

12/20/2020

Case No. 1:20-cv-05544-NLH

Robert Edward Whiteside

Federal Register No.: 59278-056

P. O. Box 2000

Joint Base MDL, NJ 08640

U.S. District Court

P. O. Box 2797

Camden, NJ 08101

RECEIVED

DEC 30 2020

AT 8:00
WILLIAM T. WALSH
CLERK

Dear Clerk of Court:

Please find enclosed Supplemental Addendums: 14.a., 14.b., 14.c., 14.d., 14.e., 14.f., 14.g., 14.g.1., 14.h., 14.j., 14.k., 14.l., 14.m.


Due to the consistent, and persistent illegal mail tampering of my mail by the BOP

I have attempted to send to the Court, (2) copies of the above referenced Addendum: (1) copy sent by this "legal mail" package, and (1) copy sent by another means. Please discard any duplicates if not needed.

Thank you kindly for your assistance, and best wishes for Happy Holidays!

Submitted with the utmost Respect to the Honorable Court.

Very Truly Yours,


Inmate Robert Edward Whiteside

14
Supplemental
Addendum

Date 11/11/2020

RECEIVED

DEC 30 2020

AT 8:00
WILLIAM T. WALSH
CLERK

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TABLE OF CONTENTS
Supplemental Addendum #14
Case No.: 1:20-cv-05544-NLH

	Page
#14.a. Update: The Truth of the BOP's Mismagament of COVID-19 at Fort Dix Prison.....	1
#14.a.1. Exhibit:J, New Article Dated Nov. 10, 2020: A Very Sad Situation.....	14
#14.k. COVID-19 Events OF 12/16,17/2020 At Fort Dix Prison/Low Security Facility.....	16
#14.h. Update: Bop's Continued Illegal Mail Tampering.....	18
#14.b. Update: Current Status: Chronic Medical Conditions as of 11/11/2020.....	20
#14.c. Update: Medical Report: New Article, "Who Gets Sickest From COVID-19?".....	22
#14.f. Update: Medical Report: News Article, "The Lasting Damage Of COVID-19".....	23
#14.e. Update: Medical Report: "PTSD Linked To Dementia".....	25
#14.d. Medical Report: Effectiveness of Vaccine On Immune Deficient Patients.....	27
#14.l. Rehabilitative/Restorative Justice.....	29
#14.j. Case Update: The Need of Sentence Reduction to Balance The Scales of Justice.....	34
#14.m. Individual Re-entry Plan.....	36
#14.g Preface: Memorandum for Exhibit K: Chronological History of Case No. 5:15-cr-00126.....	43
Exhibit: K, Chronological History of Case No. 5:15-cr-00126.....	44
#14.g.1 Update: Commentary List: Major Evidential Points of Undeniable and Verifiable Fact.....	65

11/11/2020

Supplemental Addendum #14.a.

Case No. 1:20-cv-05544-NLH

Update: The Truth of the BOP's Mismanagement of Covid-19

at Fort Dix Prison

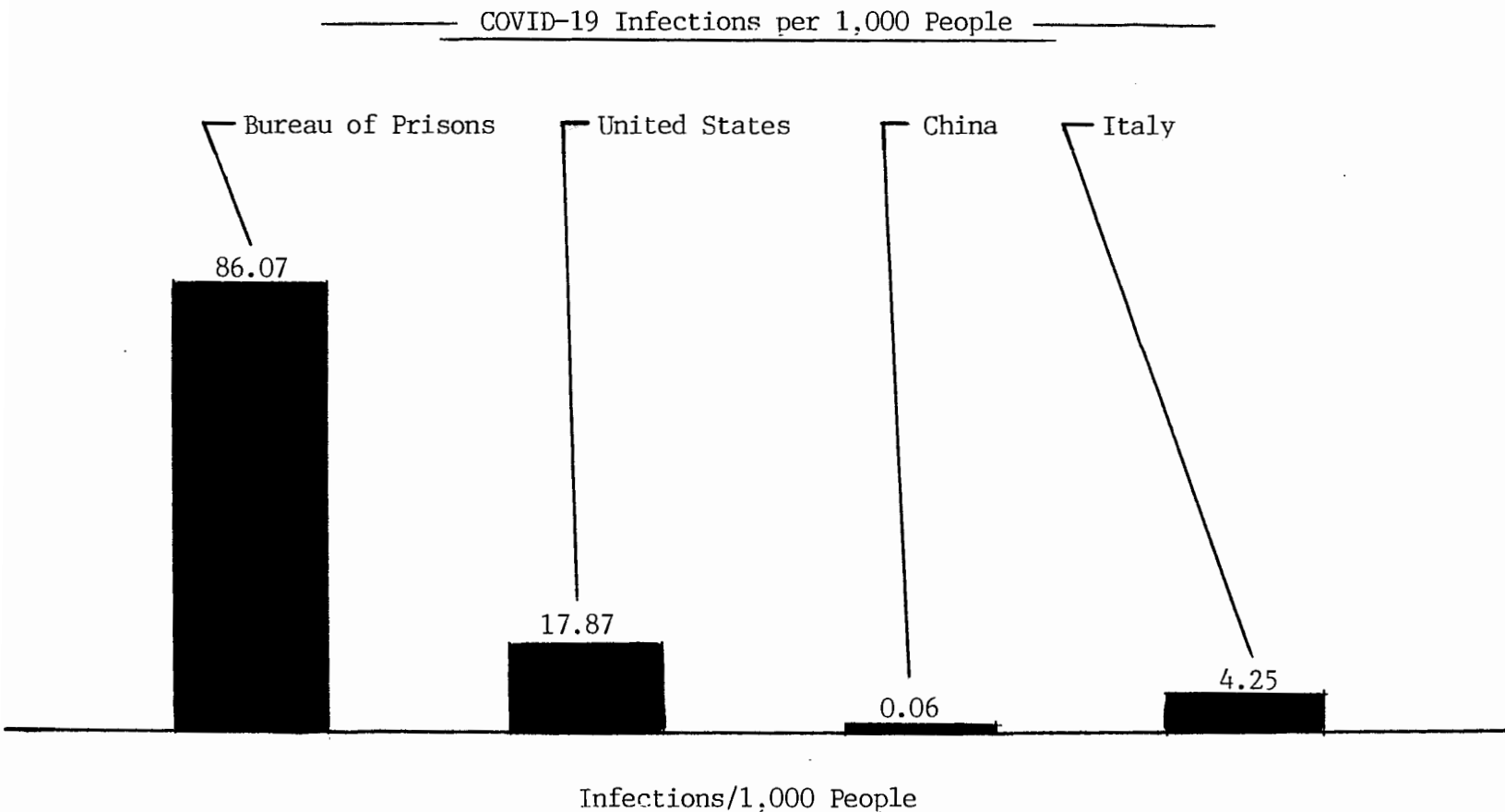
(1) "Even in the best run prisons, officials might find it difficult if not impossible to follow the CDC's guidelines for preventing the spread of virus among inmates and staff practicing fastidious hygiene and keeping a distance of at least 6 feet from others" citing: United States v. Gorai, 2020 US Dist LEXIS 72893 (D. Nev. Apr. 24, 2020).

(2) Courts have described in meticulous detail the history of FCI Fort Dix's experience with, and response to Covid-19, Eg., Wragg v. Ortiz, 2020 US Dist LEXIS 92033, Slip Op. at 4-27 (D. NJ, May 27, 2020). The Wragg v. Ortiz opinion contains many disturbing accounts from inmates about Covid-19 procedures and health conditions at Fort Dix. (Id. at 14-27).

(3) As of November 11, 2020, according to the Bureau of Prisons: 229 inmates and 12 staff members at Fort Dix have tested positive for Covid-19. 41 inmates, and 6 staff have recovered. None so far have died. <https://www.bop/coronavirus/> (viewed on 11/11/2020).

(4) "While during this past summer, parts of the United States appeared to be seeing a slowdown in the spread of Covid-19, the same was not true for the summer epicenter of the Covid-19 pandemic; prisons and jails. See NY Times article, June 16, 2020. <https://www.nytimes.com/2020/06/16/us/coronavirus-inmates-prisons-jails.html> ("Cases of coronavirus in prisons and jails across the United States have soared in recent weeks, even as the overall daily infection rate in the nation has remained relatively flat...[a]nd even the known case numbers are likely a significant undercount because testing has been extremely limited inside prisons and because some places that test do not release the results.")

The BOP infection rate far exceeds the national average, with those in BOP Custody infected at a rate demonstrably higher than those outside BOP custody:



(collected from www.bop.gov/coronavirus, <https://coronavirus.jhu.edu/map.html> includes number of federal inmates in BOP managed institutions, the number of inmates in community based facilities, and the number of inmates who have died from Covid-19. (Numbers as of 8-28-20).

And the United States knows these numbers will continue to climb, recognizing in briefings across the country that "despite extensive measures to prevent the transmission, more federal inmates will inevitably contract Covid-19 going forward." See *US v. Commer*, 2020 WL 3053368 at *8 (N.D. Iowa, June 8, 2020).

Indeed, as the winter months approach, the increase of Covid-19 cases has been rising at an unprecedented and alarming level, (especially at Fort Dix.) <https://www.nytimes.com/live/2020/10/26/world/covid-19-coronavirus-updates> ("with the coronavirus spreading out of control in many parts of the United States and daily count cases setting records, health experts say it is only a matter of time before hospitals reach the breaking point ... there are more than 41,000 Covid-19 patients hospitalized in the United States, a 40 percent rise in the last month.") As the situation regarding the pandemic in the United States worsens considerably, the situation in the prisons of the United States is even

more grim.

(5) The CDC, various Federal Judges/Justices, as well as multiple governmental, and non-governmental health organizations all agree that social distancing is "the cornerstone" of reducing transmission of Covid-19, and the further mitigation of the undeniably high risk of irreparable harm posed by the contraction of Covid-19 contagion.

(6) It is very clear that Fort Dix's mitigation measures fall well short of the CDC's guidelines on multiple levels. And clear and undisputable failure is evident in the simple fact that due to internal physical configuration of the confinement structure of the inmate housing units at Fort Dix Prison, it is impossible to maintain 6' social distancing as per CDC guidelines. Said Fort Dix housing units' internal configuration is open in that it allows, and of necessity places inmates and staff together continually mixing in very close physical proximity to each other (much less than the required 6 foot separation), and yet at the same time the internal physical configuration of the housing units are constraining; even with a reduced population of inmates; due to the confined spaces within the housing units, it is also in that regard impossible to maintain the minimum CDC recommended 6' social distancing.

In short; we, inmates and BOP staff, are like sardines stuffed into one monolithic can with the lid tightly sealed.

(7) The BOP and Fort Dix administration are well aware of the risk that the virus could easily spread rapidly through its congregate inmate population. And are further aware that addressing that risk would require precautionary provisions, and safety measures that they simply are unable to execute due to the inability to separate inmates so as to meet the required CDC guidelines.

(8) The BOP was advised to reduce its population, but quite in fact in opposition to that advisement, in the middle of the pandemic, at the moment of a second wave of infections, and increased resurgence of Covid-19 at Fort Dix prison, the BOP instead is now increasing Fort Dix's population by busing in more inmates from other prisons. At the very moment the BOP should be focused on keeping inmate population at Fort Dix Prison as low as possible, they are transferring more inmates into Fort Dix Prison and this also in the face of their statements that they are not doing so.

(9) Regardless of the deceptive empty lip service the BOP places forth, it is well established in the evidential findings that the BOP knowingly disregards the excessive risk to inmate health and safety as manifestly self evident by

their repeated, habitual inconsistencies, and ineffectiveness in containing the spread of Covid-19 to Fort Dix Prison and within the boundaries of Fort Dix Prison.

(10) Subsequent to not being able to provide the required CDC 6' social distancing recommendation, additionally BOP provided inmate face masks are unsatisfactory in stopping fine particle contagion transmission. Yes, the wearing of N-95 or finer filtration masks does substantially mitigate the spread of Covid-19. But the wide mesh, cotton cloth masks provided by the BOP to inmates does not stop the microfine particulates that can float in the air for hours after an infected person exhales.

Furthermore, even if inmates and staff were all supplied with N-95 masks, it is impossible in such low BOP staffed/high inmate population for the BOP to force inmates to continually wear their masks, especially while sleeping in overcrowded stagnant ambient breathing conditions. Conditions wherein all inmates in a room breath each others exhaled air all night long.

It is additionally impossible for staff to force all inmates to continually wash their hands. And now many of the hand soap dispensers are breaking and as of yet have not been replaced. I often watch inmates use the bathroom and use only plain water to wash their hands, or not wash their hands at all.

(11) In a recent Order, a Court granted compassionate release of an inmate at Fort Dix, stating that most of the inmates at this "heavily populated correctional facility" have not been tested, and compares this prison's strategy to "ignorance is the best policy" US v. McNish, 2020 US Dist LEXIS 173048 Slip Op. at 6, 8 (E.D. PA, 9/22/20).

(11a) On October 26, 2020, New Jersey's U.S. Senators Cory Booker, and Bob Menendez sent a letter to the U.S. BOP calling the situation a "rapidly escalating crisis." The situation, they said, demands an indefinite moratorium on inmate transfers and immediate testing of all staff and prisoners. "It is clear the BOP does not have an effective plan to ensure COVID-19 positive inmates are not transferred between facilities," they wrote the BOP Director Michael Carvajal. They added, "All FCI Fort Dix inmates, staff, and the surrounding communities are now at increased risk for contracting Covid-19 with potentially deadly consequences."

(12) I assert and testify and is easily verifiable that as of November 11, 2020, despite an explosion in Covid-19 positive inmates over the last 6 to 8 weeks, FCI Fort Dix is still not testing the general population, and is not conducting

general population temperature checks as it did for a period of time last spring. Yet the CDC guidelines are clear: Updated CDC guidelines now recommend daily symptom and temperature screening in any correctional facility with a (one) reported case of Covid-19. U.S. Supreme Court 2020 US LEXIS 3629:: Barnes v. Ahlman:: Aug. 5, 2020, Dissent by The Honorable Justice Sotomayor, paragraph 2.

(13) Not only does BOP/Fort Dix Prison violate the CDC guidelines. Furthermore Fort Dix Prison has misrepresented its actions to the court and failed in multiple additional instances and scenarios to safeguard the health of inmates in its care. The Federal Bureau of Prisons has proven to be ill-equipped to manage the federal prison system and has badly handled the directive of Attorney General Barr made early in the pandemic.

<http://www.nytimes.com/2020/06/25/opinion/coronavirus-prisons-compassionate-release.html?smid=fb-nytopinion&smtyp=cur> ("The Bureau's response has been dysfunctional to the point of cruelty.") Astonishingly, the BOP has advised many inmates that they had been approved for release due to the pandemic, only to be told later that a mistake had been made and that they would not be released. Id., Woodard v. U.S., Id. ("[t]he Court is aware of the growing evidence of the BOP's chronic mismanagement of its vulnerable population during the Covid-19 pandemic.") US v. Rodriguez, Id., 202 WL 1627331 at *9 ("The BOP's containment measures have already proven insufficient to prevent the spread of Covid-19.")

In short it is clear they are playing Russian Roulette with the lives of medically vulnerable inmates such as myself that are placed in their care and safekeeping by the Honorable Federal Courts of the United States of America. (14) During the current resurgence of Covid-19 in the worldwide general populous and inside the confines of Fort Dix Prison, the BOP is still transferring inmates from other prisons to Fort Dix Prison and within Fort Dix; housing unit to housing unit.

Case in point: on 11-11-20, 20 inmates were placed in my housing unit (5741). Upon interview of these inmates, they said they were held in 5851 for (2) weeks after arriving at Fort Dix Prison from different locations outside Fort Dix Prison.

During their period of (2) weeks in 5851, they testify that about (70) inmates from 5812 (the infected building as witnessed in Exhibit "J") - about 70 inmates were moved into their building (5851). 70 inmates from the infected

building (5812) moved to (5851). This is the same group of 70 inmates that were removed from 5812 when it was discovered that approximately 150 inmates in 5812 were infected, they were removed from 5812 and placed in 5851. Subsequently, at least one of those inmates from 5812 (Joshua Moses) that had previously tested negative, subsequently tested positive for Covid-19 after being in 5851 for a brief unspecified amount of time. Said inmate that subsequently tested positive was moved back to 5812 which had become another quarantine unit. Subsequent to all these events of cross contamination, the originally reference 20 inmates from 5851 were; on 11-11-20, placed in my building (5741). To see the full details of this negligent mismanagement, and reckless disregard for inmates safety and security see "Exhibit J", and the commentary ***Contained here in, at (19).***

(15) Another case in point: On Wednesday, 18th of November, 2020, approximately 26 inmates were moved into my housing unit (5741), moved from 5703 (the quarantine unit). One of these inmates was moved into my room. He sleeps directly over me in the top bunk. And where is he from? Elkton Federal Prison that's where. He states he was held in quarantine in 5703 after arriving at Fort Dix (2) weeks prior to being transferred into 5741. And now this Elkton inmate sleeps directly above me. And this Elkton inmate is very often seated beside my bed 2.5 feet from where I sit on the opposite side of my bed.

(16) Another case in point: On the same day they moved those inmates from 5703 into my building (5741) (Nov. 18, 2020) a number of inmates questioned the C.O. about how many more inmates were going to be transferred into our building. He said he did not not. But he did know that Fort Dix administration was clearing out all the inmates from 5703 (the quarantine building) so they could fill it up with more inmates from other facilities. He added (2) buses of inmates would be arriving next week to repopulate 5703.

(17) And the BOP/Fort Dix's deception/mismanagement should be no surprise in that historically the Federal BOP continually exhibits the same deliberate indifference, and malignant behavior of mismanagement. Case in point: "The Compassionate Release Statute of 2013": The poor response of the BOP to A.G. Barr's directive earlier this year is not to surprising given the BOP's initial response to the Compassionate Release Statute in 2013. Indeed, the Department of Justice itself found that the BOP did not "properly manage the compassionate release program..." See U.S. Dept. of Justice, Office of the Inspector General, the Federal Bureau of Prisons' Compassionate Release Program 1 (2013).

<https://www.oversight.gov/sites/default/files/oig-reports/el306.pdf>.

(18) The the BOP has formally adopted a policy to mitigate the risk of, attempt to isolate and contain Covid-19, its actual compliance, and implementation is piecemeal and unsatisfactorily inadequate. Piecemeal and unsatisfactorily inadequate in the face of such dangerously deadly high risk conditions of confinement for those with vulnerable pre-existant medical conditions such as myself. Piecemeal and unsatisfactorily inadequate in compliance and implementation of a supposed excellently crafted written policy. Regardless of their supposed excellently crafted written policy of Covid-19 mitigation, the reality of the matter is the BOP has and continues to unnecessarily, through a combination of incompetence and deliberate indifference exposed and continues to expose its inmates to significant unnecessary risks from highly contagious, and potentially deadly disease. And simultaneously attempts to cover its corrupt actions with lies thereof.

(19) Another case in point of the BOP/Fort Dix's incompetence/deliberate indifference/gross negligence. Reference "Exhibit J"

News article Dated Nov. 10, 2020 - **(Commentary Below)**

At some point prior to October 29, 2020, all inmates in Building 5812 of FCI Fort Dix were tested for Covid-19. Then on October 29, at a town hall meeting where all inmates were present, BOP officials place forth a list of approximately 70 inmates. All inmates were informed, to assume they tested positive if they did not find their name on the list. Further, the inmates on the list who were assumed to have tested negative were moved from 5812 to another housing unit. Thus 5812 effectively became a quarantine unit. Inmate Joshua Moses of 5812 was listed on the list of those who had tested negative at some point prior to October 29, 2020. That night, (the inmates of 5812 who were assumed as being free from the Covid-19 contagion having been tested at some point previous to October 29, 2020) they were moved to a different building. But within days, he too (Joshua Moses) was feeling lethargic and feverish. He tested positive, and was instructed to carry his mattress and belongings back to quarantine (5812).

Your Honor, this very situation exemplifies the abject mismanagement/execution of testing/violation of quarantine procedures characterized as piecemeal and inadequate through a combination of incompetence and deliberate indifference: When the BOP discovers one or more inmates is/are infected with Covid-19, they remove those supposed uninfected inmates to another housing unit as clearly evidenced in the news article Exhibit J. This moving of

supposed uninfected inmates from a housing unit where in they had lived in a confined, close-contact living condition with inmates that had previously tested positive for Covid-19, moving the supposed uninfected inmates to another housing unit, thus potentially causing the spread of the virus to other inmates in other housing units and/or correctional officers. How? Here's how: They tested all inmates in 5812 at some point before October 29, 2020. Based on the evidence presented of Joshua Moses testing negative prior to October 29, and later testing positive very shortly thereafter being moved to another building. One can only surmise that Mr. Moses became infected while he remained in 5812 at some moment during the interval that transpired between the time all inmates in 5812 were tested and the moment he was moved from 5812, i.e., the time elapsed between a Covid-19 test being given and the results being received vis-a-vis; some hours, 1 day - 2 days, etc.

For example, if all inmates in a housing unit are tested: say 100 total tested and say 50 test positive, 50 test negative and yet the results are only available one or more days after the fact of administering the test, mean while all 100 inmates continue to interact confined in the same close contact living conditions of confinement. How does the BOP know that additional inmates of the yet to be discovered negative test resultant group were not infected during the elapsed interval between the moment the entire unit of 100 inmates were tested and hours or days later when the 50 were confirmed to be infected? The unequivocal answer is they can not know even hours later after administering a test, who is positive and who is negative when all inmates are in constant close contact living conditions as is existant at Fort Dix low security prison. The whole point is this: Quite in fact if one person in a unit tested positive every inmate in that unit should be assumed positive for safety sake and none moved from that building. Effectively all inmates should be on quarantine. I believe this is universally accepted medical protocol. And even if I am mistaken - These actions by BOP officials knowingly disregard common sense measures of health and safety and place more and more inmates at excessive risk of contraction of Covid-19 and the very real danger of premature death there of. This one inmate, Joshua Moses could have easily spread Covid-19 to another unit that previously had not evidence of infection. And this is only one inmate of the 70 that were moved. I think I not need to belabor the point of the dire situation that could be created by the miserable deliberate indifference and the gross negligence of gross mismanagement of Covid-19 by BOP officials at Fort Dix

Prison: In short a super spreader scenario could easily unfold by one wrong action of BOP officials regardless of how well a written policy they place forth. But this is the type of incompetence, deliberate indifference, and gross negligence inmates confront on a daily basis. The dire situation I find myself in, having a combination of multiple suspect vulnerable health conditions in light of Covid-19 has brought to light the pre-existent elemental, constitute failure of a corrupt system of imprisonment, that allows the oppression of citizens and violates their human rights.

(20) Another case in point: During the recent major outbreak of Covid-19 at Fort Dix Prison inmates were still being transferred to the Drug Program at Fort Dix Prison located in housing unit 5852. Transfers were from both inside Fort Dix Prison and from other facilities. And the fact is it would only require one infected inmate to infect the entire housing unit of approximately 200 to 368 inmates. Well, Your Honor, I believe that one inmate has been identified. On 11-14-2020, a Federal Corrections Officer has anonymously confirmed the first case of Covid-19 among Drug Program participants in building 5852. Some time during the week of November 9, 2020, said infected individual was identified and the drug program suspended. And now since one inmate has tested positive in 5852, will they investigate the origin of the infected inmate? Will the BOP use contact tracing to identify and isolate every individual that the infected inmate came into contact with, both inmates and BOP workers, and Federal Marshals? Will the BOP test all contact traced individuals? Will the BOP follow standard medical protocol and procedure or will they bury their head in the proverbial sand and continue to follow "ignorance is the best policy" as cited by a Federal Judge in U.S. v. McNish, 2020 US Dist LEXIS 173048 Slip Op. at 6, 8 (E.D. Pa, 9/22/20)? Will the BOP now remove that one inmate to another building, possibly spreading more Covid-19 contagion? And how do they know whether other inmates and BOP staff in 5852 are not also infected? Thus this could be a repeat scenario, the mise-en-scene fully furnished with, not actors, but real life participants in a tragic unfolding of events as transpired and evidence in "Exhibit J: News Article dated November 10, 2020".

Will the BOP consider all inmates in 5852 as infected and quarantine the entire building? Or will they begin to play Russian Roulette as they did in building 5812, using flawed procedures to pick and choose a corrupt redistribution of inmates to other housing units, thus possibly creating cascading super spreader scenarios of multiplicative actuation? For details of

their previous and recent scandalous debacle see Exhibit J, and commentary ***Contained here in, at (19).***

This "ignorance is bliss" approach by the Federal BOP is not only unacceptable ideology and behavior unbecoming taxpayer supported government officials, but places; inmates, BOP employees and the general populace unnecessarily at risk. A Federal Judge commenting in a case related to Federal Prison Allenwood Low, Reference: (Loyd v. U.S., 2020 WL 2572275 (ED Mich., 5-21-20)) states the underlying attitude of deliberate indifference to the seriousness of the spread of Covid-19: "zero confirmed cases is likely more a result of lack of testing than a lack of the virus' presence in the prison. If anything, the Court is more concerned that inmates and staff members are interacting with one another as normal and blissfully unaware of the virus spreading throughout the system." (I)nmates currently, "eat, sleep, and interact with each other in a confined space, making it easier for the virus to spread once introduced. Inmates are still being transferred between facilities. Although they are screened for symptoms, they are not tested for the virus, leaving potentially asymptomatic individuals to spread the virus to others. In low security facilities, inmates are being quarantined with their own unit, as opposed to individual cells, preventing them from complying with social distancing recommendations."

The haphazard manner in which BOP officials use in transferring inmates not only endangers the lives of inmates and BOP workers, but as well endangers the surrounding community at large. The mere fact; in the middle of the pandemic, that inmates are still being transferred between prisons clearly exemplifies deliberate indifference, negligent mismanagement and gross negligence in the light of past deadly Covid-19 outcomes. Additionally, the transfer of inmates during this highly volatile moment of Covid-19 resurgence is bad enough, but even worse, they do not test inmates for the virus before transfer, only screening them for symptoms, leaving potentially asymptomatic individuals to become super spreaders of the virus to other inmates/prisons, BOP workers/ and the surrounding general populace.

When a reasonable, morally minded person thinks about these things in relation to the thousands of evidential deaths that have already occurred, such a person cannot help but to be shocked and outraged at this despicable, despotic, oppressive violation of a human being's right, not to be knowingly exposed to a known, deadly contagion by a representative government of the

United States of America.

No matter what an inmate's crime may have been, such confinement, and mistreatment far exceeds the punishment meted out by an Honorable Court.

Said corrupt situation makes one wonder: Is the BOP/Fort Dix Prison trying to indirectly exterminate inmates by directly exposing them to a known, deadly contagion?

(21) As related to Covid-19; in simple layman's terms, the BOP has knowingly conducted and continues to knowingly conduct "a dog and pony show"; i.e. make everything sound good for itching ears, and everything look good for the proverbial camera, but all along ignoring the facts, in the hopes that everyone else will ignore the facts as well.

All the while behind the scenes of a supposed well orchestrated facade is the discombobulated, and convoluted pretense of impeccable management, with the pretense of a supposed satisfactory execution of safety and security for all involved. But it is just a very unstable, high rise house of cards as multiple evidentiary facts assert and testify to the fallacy of the BOP's well orchestrated facade.

(22) In the event of indicators of improvement related to Covid-19 positive inmates; improvement and/or reduction of Covid-19 positive tested inmates, does not conclusively establish that the Covid-19 outbreak at FCI Fort Dix has been contained. Many inmates are asymptomatic, thus the virus remains active in the prison and with the impossibility of adequate social distancing; as unanimously attested to by multiple experts, remains unchanged, thus, absent additional evidence, we must assume for purposes of my present motion; no matter the quantity of reported negative/positive cases at Fort Dix Prison, I am still at a heightened risk of contracting Covid-19 as long as I remain confined at Fort Dix Prison.

(23) As a habeas corpus petitioner I assert, based on all the evidence of conditions of confinement as related to my verified vulnerable pre-existent medical conditions, that no set of confinement conditions would be constitutionally sufficient. My claim challenges the fact and/or extent of confinement rather than the mere conditions of confinement and improvement thereof. For those with vulnerable health conditions such as myself, there are no conditions of confinement within the structure of Fort Dix Prison sufficient to prevent possible irreparable physical harm and constitutional injury. I assert that no set conditions would be constitutionally sufficient to mitigate

injury. My challenge is the legality of confinement and not the mere conditions thereof. *Adam v. Bradshaw*, 644 F. 3d 481 (6th Cir, 2011) cf. *Terrell v. U.S.*, 564 F. 3d 442, 446-48 (6th Cir, 2009). The Supreme Court has held that release from confinement - the remedy petitioners seek here - is "the heart of habeas corpus" *Preiser v. Rodriguez*, 411 U.S. 475, 498, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973).

(24) Based on the evidence presented it is evidently clear the BOP/Fort Dix Prison is deliberately indifferent, with malignant mismanagement and gross negligence to the serious risk of harm presented by Covid-19 for inmates such as myself with pre-existing vulnerable health conditions. This assertion is evident both subjectively and objectively.

Subjectively: it has been demonstrated that BOP/Fort Dix officials "know of and disregard the excessive risk of harm to inmates" such as myself "with known pre-existence vulnerable health conditions". "And it is, indeed fair to say that acting or failing to act with deliberate indifference to this substantial risk of serious harm" to my person "is the equivalent of recklessly disregarding that risk," by continuing to confine me at Fort Dix Prison.

Objectively: The evidence is also clear that the BOP/Fort Dix Prison has continued and does continue to incarcerate my medically vulnerable self "under conditions posing a substantial risk of serious harm."

Deliberate indifference and gross negligence are questions of fact subject to demonstration in the usual ways, including inference from circumstantial evidence. This is especially true where, as here, the BOP/Fort Dix Prison substantially and utterly fails in its applying basic morality and ethics to the facts and equities before it, as related to my being confined in high risk environmental living condition with vulnerable pre-existent medical conditions, as opposed to releasing me from confinement at Fort Dix prison by the efficacy of, home confinement, compassionate release, sentence reduction or any combination thereof.

Yet courts have granted compassionate release to a substantial number of medically vulnerable prisoners at Fort Dix, a diverse group in terms of their ages and medical issues, criminal charges, and time remaining on their sentences: *United States v. Pagliuca*, N. 17-432 (cs) (granting compassionate release to an inmate at Fort Dix serving a 10 year sentence for child pornography offenses); *U.S. v. Pena*, No. 15-cr-551 (AJN), 2020 WL 2301199 (S.D.N.Y., May 8, 2020) (granting compassionate release to an inmate at Fort Dix

with hypertension); U.S. v. Williams, No. 3:17-cr-121-(VAB)-1, 2020 WL 1974372 (D. Conn., Apr. 24, 2020) (granting compassionate release to Fort Dix inmate with asthma, diabetes, and hypertension); U.S. v. Logan, No. 1:12-cr-00307-LEK, Dkt. N. 140 (N.D.N.Y., Apr 22, 2020) (granting compassionate release to Fort Dix inmate with diabetes, high blood pressure, and other medical issues); U.S. v. Patrick Jansen, No. 1:20-cv-01542 (SEB-MPB) Dist 7th (Nov. 25, 2020) (granted compassionate release to Fort Dix inmate serving 15-year sentence for child pornography offense, with pre-existing medical conditions of BMI classification obesity, former smoker, and heart arrhythmia).

I believe the merits of my case, the overwhelming evidence placed forth clearly indicates the validity of my assertion both subjectively and objectively that the BOP is guilty of deliberate indifference and gross negligence in its handling of Covid-19 and its refusal to grant my request for release from Fort Dix Prison with the additional implication of systematically attempting to cover up the facts of their malignant mismanagement.

I again respectfully ask this Honorable Court to grant my request and please release me from this unconstitutional confinement, by the efficacy of whatever statute the Honorable Judge Hillman deems appropriate.

11/11/2020

Supplemental Addendum #14.a.(1)

Exhibit: J

News Article Dated Nov. 10, 2020

- A Very Sad Situation -

On October 29, the prisoners of Building 5812 at FCI Fort Dix, the low-security prison in New Jersey, were invited to a town hall meeting about the Covid-19 outbreak raging through the facility.

A list of about 70 inmates had been posted behind plexiglass. The remaining 150 inmates who could not find their names on the list were told to assume they had tested positive, advocates said. Their cell block was now a quarantine unit. One, Troy Wragg, whose complex medical conditions had already left him wheelchair bound, had been the lead plaintiff in a lawsuit filed by the ACLU of New Jersey seeking release for a class of medically vulnerable people. A federal judge dismissed the case in May. Now, Wragg wrote to his wife, his fears had been confirmed. "I am sick. It is official. Prayers and hard work are all that will help."

Families and advocates are raising alarms about the conditions at Fort Dix, where 229 prisoners and 12 staff are now sick. They say the outbreak was preventable and blame the Federal BOP for transferring 150 prisoners this fall from Ohio's FCI Elkton, where more than 1,000 prisoners and staff have been infected.

On Monday afternoon, New Jersey's U.S. Senators Cory Booker, and Bob Menendez sent a letter to the U.S. BOP calling the situation a "rapidly escalating crisis." The situation, they said, demands an indefinite moratorium on inmate transfers and immediate testing of all staff and prisoners. "It is clear the BOP does not have an effective plan to ensure COVID-19 positive inmates are not transferred between facilities," they wrote the BOP Director Michael Carvajal. They added, "All FCI Fort Dix inmates, staff, and the surrounding communities are now at increased risk for contracting Covid-19 with potentially deadly consequences."

The Bureau of Prisons did not respond to a request for comment on Monday afternoon. As recently as mid-October U.S. Attorneys opposing compassionate release motions by Fort Dix prisoners argued that "the BOP has taken effective steps to limit the transmission of Covid-19."

Videos purportedly taken by a prisoner inside 5812 and circulating among family members show a unit in chaos, debris scattered and trash overflowing, a

byproduct of a shortage of staff and healthy inmate workers, according to family members. Wragg's wife, Megan Hallett Wragg, 28, said her husband sounds hoarse and out of breath. "He barely has a voice. It's very raspy. He's coughed up blood from coughing so much. Everybody there just walks around like zombies," she said.

Shannon Clark Moses, said her husband Joshua, 39, was in the same unit as Wragg. "There's no way we can socially distance," he told her. He described hanging towels around his bunk, a fort to keep out the disease.

On October 29, Joshua found he was on the list of those who'd tested negative. That night they were moved to a different building. But, within days, he too was feeling lethargic and feverish. He tested positive and was instructed to carry his mattress and belongings back to quarantine.

The last time Moses heard from him, a week ago, he told her he couldn't breath. "I'm hearing about men passing out. He said, big, healthy, strong men...he's watching them pass out on the floor, and be carried off," said Moses, 39, of North Philadelphia.

The situation at Fort Dix, which has a population of 2,600, has been at the center of a series of federal lawsuits waged by prisoners seeking compassionate release. Those petitions have largely been denied by judges who cited the low incidence of infections there, but that could be changing. On November 3, a judge in the Eastern District of New York granted release for Daniel Mongelli, citing "the failure of the Bureau of Prisons to prevent and control a Covid-19 outbreak at FCI Fort Dix."

Source: George Woolston, Burlington Country Times; Philadlephia Inquirer / November 10; and the Press of Atlantic City

Case No.: 1:20-cv-05544-NLH

12/16/2020

Supplemental Addendum #14.k.

COVID-19 Events of 12/16,17/2020 at Fort Dix Prison/Low Security Facility

Chronological Series Of Events:

8:03am - One of the compound officers is seen speeding pasted building 5741 headed towards 5752, One medical golf cart follows promptly there after, then another golf cart from the administration office follows promptly there after.

8:14am - The medical golf cart is seen driving away from 5752 in the direction of the medical building with one inmate seated in the passenger seat of the medical cart. The inmate's head is tilted down, his chin touching his chest. His body is leaning to the right as if incapacitated/conscious.

8:40am - Two medical staff, now dressed in PPE are seen driving towards 5752.

8:50am medical staff are seen driving away from 5752 with another inmate, also seated in the passenger seat of the medical golf cart. Inmate's head is tilted forward, his chin touching his chest. Inmate is sloughed, and leaning to the right as if incapacitated/unconscious.

9:58am - Medical golf cart is again seen driving towards building 5752.

10:05am - another medical cart is seen driving towards bldg. 5752.

10:02am - There is an announcement in my unit (5741). The administrative officials are telling all chow hall workers to get ready for work. Previously only 5752 was working in the chow hall. Now it is clear, 5752 chow hall workers will not be allowed to go to work in the chow hall, and they need the chow hall workers from my building to take their place. This is one of the major fallacies of this whole COVID-19 mismanagement: The BOP has each housing unit on lock down, yet every day, each housing unit goes to the chow hall 3 times a day to pick up prepackaged meals. I think it is clear to understand the ease of cross contamination that transpires through the central point of the chow hall. And is already a clear, scientifically proven fact that anything less than N-95 masks allow Covid-19 virus particulate to pass right through thus the masks supplied by the BOP, which are not N-95, in effect are creating cross contamination scenarios multiple times each day.

10:12am - The medical golf cart is seen driving away from 5752 with yet another inmate seated in the passenger seat. This inmate's head is also tilted forward, his chin touching his chest. Inmate is sloughed, and leaning to the right as if incapacitated/unconscious.

10:14am - An inmate safety worker is seen walking towards 5752. He has mounted to his back a tank with a hand held spray wand.

10:40am - The administrative officials in my building (5741), announce for all inmates to go back to their rooms or otherwise clear the first floor. I hear them calling the unit orderlies that clean the unit. They do some minor cleaning for about 20 minutes. No where near the amount of time required to truly disinfect all surfaces. Here in do we see the slap-stick reactionary response that typifies everything the BOP does. These BOP officials are not ensuring that the building is being properly disinfected, and only when there is a perceived emergency do they react, in a half-hearted, make it look good for appearances manner, attempting to make it appear as though they are actually doing their job. At the very least, this qualifies as deliberate indifference.

11:25am - They announce in my building (5741) to clear the second floor. Compound officers come into my building and remove one inmate and take him to medical.

12:58pm - I see 3 more inmates being driven away from 5752, all seated in the medical golf cart, all with the same physical appearance. Inmates are sloughed to the right, leaning as if incapacitated/unconscious with their heads tilted, chins touching their chest.

8:40pm - (5) compound officers are seen speeding towards 5752 dressed in riot gear with pepper ball guns. The result of that sighting is unknown.

12/17/2020

A bus containing (49) new inmates arrives at Fort Dix low security prison. This was verified, in that the chow hall supervisor was told to have (49) extra meals ready for Thursday lunch. Additionally other inmates saw the bus arrive and the new inmates exit the bus. So not only is Fort Dix Prison having an exponential out break of COVID-19, egregiously the BOP is still transferring more inmates into Fort Dix Prison from other facilities. More deliberate indifference, and gross negligence on the part of BOP/Fort Dix/Warden Ortiz.

11/11/2020

Supplemental Addendum 14.h.

Case No. 1:20-cv-05544-NLHUPDATE: BOP's Continued Illegal Mail Tampering

The BOP is still tampering with/destroying parts/all of certain mail pieces. Contained herein in Exhibit H is evidence in a letter from my aunt and uncle sent to me. Paragraph 2 of the letter states: "There were 2 pages included in your letter with a Bructon Mills, West Virginia address. What's this about? Your name and Fed. Cor. Nubrs. Hazelton, P.O. Box 5000, Bructon Mills, W.V." Letter dated November 3, 2020 indicates somehow my mail was sent to them from the prison I was confined at (3) years ago. Since arriving at Fort Dix prison I have never had this problem until now. Further, not only did my mail piece sent to my aunt and uncle have the Bructon Mills, W.V. return address, only (2) pages of my letter arrived to them, whereas the rest of the pages were removed by the BOP. Now this is just one of the letters sent that was tampered with. Usually I send letters out and they never receive anything or they send me a letter and it gets returned to them or also disappears. (I redacted my relatives address and names in respect for their privacy since this exhibit will become part of the public record). This is just an update on the long string of mail tampering incidents perpetrated by the BOP, beginning with my legal mail to this Honorable Court being opened and pages 10-41 of my original petition being removed, the Honorable Court only receiving pages 1-9 with a table of contents listing 41 pages total, of which the Honorable Court previously noted in the record the absence of pages 10-41. Pages 10-41 which were in fact the actual supporting evidence/arguments against Fort Dix Prison/Warden Ortiz.

November 3, 2020

Dear Robbie,

Exhibit H

This is a quick note so you can have
our physical address - [REDACTED]
[REDACTED]

Hope you are doing well. A friend of ours died
of Covid 19 last week. Another good friend got it last week
& is really sick! Nine others at Church got it a few weeks
ago. Things are getting bad in our area right now. Some
schools opened in NC & closed a couple of weeks later. Around
here they are mostly virtual.

The were 2 Pages included in your letter with a
Breeeton Mills, West Virginia address. Whats this about. Your
name & 4th Ave. Hozelton, P.O. Box 5000, Breeeton Mills,
W.V.

Get to go & get this in the mail.

Love,

[REDACTED]

Case No. 1:20-cv-05544-NLH
11/11/2020

Supplemental Addendum #14.b.

Update: Current Status: Chronic Medical Conditions as of 11/11/2020

With Future Prognosis:

Resultant of Crohn's Disease (BOP medical Designation: K5090). I am Immuno-compromised/deficient - A health deficiency identified by the CDC, and other public health officials as making [a] person at "high risk" for serious complications from COVID-19, the disease caused by the coronavirus." Cited from: (2020 U.S. Dist. LEXIS 57434). One of the indicating, contributory factors of Crohn's Disease is abnormal levels of stress. Of Which, the existence conditions of the presence of COVID-19 contagion at Fort Dix Prison; where I am currently confined, with the very real possibility of premature death, coupled with the clear evidential deliberate indifference, and gross negligence exhibited by BOP officials related to the gross mismanagement of the health and safety of inmates; such as myself, with suspect, pre-existent, vulnerable health conditions, in addition to just the mere fact of being confined in a space where I cannot self protect myself from infection with COVID-19 contagion. All of these contributory factors has increased my stress levels exponentially as previously outlined in Exhibit "W" (Compassionate Release request submitted to Warden Ortiz/Fort Dix Prison, dated 6/14/2020: "Arguments" (see table of contents, Exhibit "W" for reference listings.)(This medical information is also available in my main petition document, pgs. 1-3 of 31, and Exhibit: C, BOP medical Records). The level of stress is of such a magnitude that it reaches the level of psychological torture. Pursuant to; and inclusive of, the superlative, super-imposition in the realization that I could very well die in prison with only approximately (18) months remaining before I am released from BOP confinement to a half-way house. Reiterating previously established facts as related to the conditions of COVID-19 confinement at Fort Dix Prison, and the resultant detrimental degradation of my overall health, both psychologically and Physically. With reference to the exacerbated immune disfunction, now as the (9) months of high risk COVID-19 lock down confinement has transpired; at this present moment, as of 11/11/2020, my Crohn's Disease symptoms have increased exponentially. The very debilitating physical symptoms that I have experienced, and continue to experience on a daily basis are as follows, and not necessarily listed in the order of severity: 1. severe abdominal pain, 2. migraines, 3. blurred vision, 4. diarrhea, 5. malnutrition, 6. very low energy levels, 7. continual dizziness, 8. and disorientation of surroundings, 10. diminished cognitive abilities, 11. sudden and irregular

heart palpitations, 12. constricted esophagus with difficulty swallowing food. 15. also resultant of constricted esophagus is the subsequent breathing disorder/medical condition: Obstructive Sleep Apnea, BOP medical designation: G47.33. Of which, I use a CPAP breathing machine while I sleep. (See Exhibit "Y": "BOP Health Services Medical Duty Status") additional Crohn's symptoms are: 16. muscle and joint pain, and other chronic organ disfunction: 17. Kidney, 18. prostate gland, 19. pre-diabetic symptoms as well as: 20. a history of recurrent lung infections.

These chronic Crohn's Disease symptoms are progressively debilitating, with co-factors having a co-joining, cascading, co-effect that can reach catastrophic levels, requiring life long, constant, expert medical management. As well as a consistent holistic lifestyle; including but not limited to, proper symptom specific medication, highly specialized mitigating diet, calm living environment, and other advanced therapeutics.

Prognosis:

Advanced degradation often requires multiple hospitalizations/surgeries. With no medical cure currently in existence, proper maintenance of Crohn's disease is of paramount importance in an effort to mitigate the irreversible damage imposed upon Crohn's patients by a lack of proper care as related to the above aforementioned parameters. None of which is possible in the environment in which I currently exist, confined at Fort Dix Prison under extremely stressful, high risk possible irreparable harm and/or premature death resultant of COVID-19 with the consequential co-factor of a depleted immune function.

Said extreme living conditions of confinement over the past (9) months has incapacitated my physical, and mental ability to even function in a normal manner. Even at this moment I am having much difficulty focusing my thoughts of expression of cognitive assembly into a clear, coherent manner of written medium. In short, my point being clear, I hope: I am asserting that I suffer from serious physical/medical conditions that substantially diminish my ability to provide self-care with in the environment of confinement at Fort Dix Prison.

Case No.: 1:20-cv-05544-NLH

11/11/2020

Supplemental Addendum #14.c.

Update:Medical Report: News Article, "Who Gets Sickest From Covid-19?"

Exert from Discover Magazine, July/August 2020:

Immune deficient health coupled with COVID-19 results in excessive lung inflammation, and life-threatening symptoms according to recent medical research: "AGE AND IMMUNE HEALTH - In some older people, or in those with underlying immune deficits from chronic conditions, regulatory T cells -which usually keep immune responses under control - do not function normally. When these people get Covid-19, so-called cytokine storms may cause excessive inflammation in the lungs, leading to life-threatening symptoms. A study conducted by researchers in China found that Covid-19 patients with severe illness had lower levels of regulatory T cells in their blood stream..."

Case No. 1-20-cv-05544-NLH

11/11/2020

Supplemental Addendum #14.f.

Update: Medical Report: News Article: "The Lasting Damage of Covid-19" from
The New York Times, personal health section, pg. 9, Oct.17,2020, exert by
Jane E. Brody

Judy Londa, a 55 year old Brooklynite who had been traveling by subway to teach art in a Manhattan public school earlier this year, developed symptoms of Covid-19 two days before in-person school was abruptly cancelled mid-March. Londa said she was very ill for 2 weeks with "intense chest tightness that felt like a car was parked on it and barely able to walk from one room to another." But she stayed out of the hospital, using FaceTime to consult regularly with her doctor, an infectious disease specialist. By May she felt well enough to stroll around the neighborhood, gradually increasing the distance she walked. She expected a full recovery. But now, more than 6 months after she fell ill, walking up a short hill can exhaust her, and she wonders if she will ever again feel like the athletic, energetic, healthy woman she was before the novel coronavirus entered her life. "I will feel better for a bout 5 days and able to walk a mile or more and do yoga, then I'm flattened again for another 5 days," Londa told me. "On and off like a switch, the same symptoms keep repeating, a feeling like cement is pushing on my chest, chills, cough, sore throat, dry mouth, tingling in my arm, irregular heartbeat. I'm about to fall asleep and then suddenly I am gasping for air like I am drowning, and I have to get up and walk. It's really, really depressing." Covid-19 also has left her with health problems she never had before: prediabetes, high cholesterol, high blood pressure, and premature ventricular contractions - a heart flutter caused by extra beats in one of the heart's pumping chambers. Checking with Covid-19 survivors on Facebook, she found that others shared her lingering, recurring symptoms. One fact already known: a person need not have had a severe disease to experience symptoms that persist for months and, time will tell, possibly for years. Even some people who had mild covid infections continue to experience symptoms long after recovering from the acute illness. The variety of reported symptoms includes unusual fatigue from physical or mental activity, brain fog, temperature irregularities, rashes, memory problems, and insomnia. It's as if the body's immune response to the coronavirus has thrown the nervous system out of whack, according to

Dr. Dayna McCarthy, rehabilitation specialist at the Mount Sinai Center for Post-Covid Care. The lasting effects among those who survived another serious coronavirus disease, SARS, are not very encouraging. As the Mayo Clinic reported, "Many people who have recovered from SARS have gone on to develop chronic fatigue syndrome, a complex disorder characterized by extreme fatigue that worsens with physical or mental activity, but does not improve with rest. The same may be true for people who have had Covid-19. The Covid-19 virus can damage the lungs, heart, and brain increasing the risk of persistent health problems. According to the Mayo experts, "imaging tests taken months after recovery from Covid-19 have shown lasting damage to the heart muscle, even in people who had only mild Covid-19 symptoms". The illness can cause very small blood clots that can block capillaries in the heart and permanently injure the heart muscle. The disease can also weaken blood vessels and injure the kidneys and liver. Covid can scar the lungs' tiny air sacs and cause long-term breathing difficulty even if the scars partly heal. This effect on lung function ended the 107-year-old life of Marilee Shapiro Asher, a celebrated artist in Washington who remained professionally active until Covid-19 laid her low in the early spring. During 5 days in the hospital, she recovered from the acute infection, then died several months later with virus-caused damage to her lungs that left them brittle and filled their air sacs with fluid. With SARS, a 15-year follow-up of patients found that most lung recovery took place within 2 years, but some mild pulmonary effects remained indefinitely in more than a third of recovered SARS patients. Brain-related effect of an active Covid-19 infection can include strokes, seizures, and a temporary paralysis called Guillain-Barre syndrome. Many covid patients lose their sense of smell and taste during to acute illness, but for some this neurological effect persists for months after they had otherwise recovered. And questions remain whether the viral infection will also raise the risk of later developing neurological problems like Parkinson's disease or Alzheimer's disease. People who were severely ill with Covid-19 can develop symptoms of post-traumatic stress syndrome and persistent problems with anxiety and depression...

Case No. 1-20-cv-05544-NLH

11/11/2020

Supplemental Addendum #14.e.

Update: Medical Report: "PTSD Link To Dementia"

Additionally, I may already have lasting, irreversible damage to; not only my physical being, but also as well to my intrinsic cognitive abilities subsequent of existing in the traumatic experience of being confined in the extreme, high-risk, possible life threatening lock down conditions resultant of COVID-19 contagion presence in Fort Dix Prison housing units. According to recent medical research, Post-traumatic stress disorder (PTSD) from highly stressful, and prolonged traumatic situations such as I have existed in for the past (9) months, and continue to exist in, said close-contact, high-risk lockdown type of trauma has been linked to the subsequent, and consequential later development of dementia in said PTSD individuals:

Article exert from: "Associated Press"

Trauma can cause lasting damage to the brain. People who have experienced post-traumatic stress disorder are much more likely to develop dementia later in life, a new study suggests. About 1 in 25 people worldwide are thought to suffer from PTSD, a mental health disorder triggered by highly stressful, frightening, or distressing events. To assess the condition's link to dementia, scientists at University College London analyzed the results of 13 previous studies involving some 1.7 million people across four continents. Overall, it found that people diagnosed with PTSD had a 61 percent greater risk of developing dementia up to 17 years later. Intriguingly, military veterans did not have the highest risk of developing the degenerative brain disorder. Ordinarily civilians with PTSD - from

physical or sexual abuse, car accidents, or other trauma - were more than twice as likely to develop dementia as adults with no such diagnosis. Veterans with PTSD, meanwhile, were 1.5 times more likely to develop dementia than vets without PTSD. The researchers speculate that this may be because former military personnel have better access to treatment, reports "The Times"(UK). It remains unclear why the two conditions appear to be linked. Flashbacks of the trauma - a symptom of PTSD - can flood the brain with stress hormones, which may cause damage over time.

11/11/2020

Case No.: 1:20-cv-05544-NLH

Supplemental Addendum #14.d.

Medical Report: Effectiveness of Vaccine on Immune Deficient Patients

Vulnerable patients such as myself with compromised immune systems could be also at a heightened risk of severe outcomes subsequent to receiving the proposed potential emergency approved vaccine(s).

News Article About Pfizer's Research, and Testing

Vaccine effectiveness: Pfizer's trial, like most, can be hailed a success for early approval if cough and fever are reduced in people on the vaccine compared with those on placebo; it doesn't need to show that it can reduce severe disease. Pfizer would only get that kind of data over the full course of a trial. While it's possible that if milder symptoms are reduced, more severe one would be as well, ending early means that regulators will have to take this on faith. It would be worthwhile to see at least a few severe cases emerge in the trial to assess whether the vaccine genuinely prevents more concerning illness and to rule out the possibility of a rare side effect.

A crucial cohort: older adults are among the populations most vulnerable to COVID-19 and will receive many doses of any approved vaccine. It's not uncommon for vaccines to be less effective in old people because their immune systems do not work as well. Stopping a trial early means there will likely be very limited data on whether a particular crucial vaccine clears the bar in an essential group. Only 43% of Pfizer's subjects are 56 or older. Far fewer are likely to be over 70, where the risks rise exponentially. The average age of infection has fallen substantially over the course of the pandemic because older adults tend to be more careful, which could cut further into the amount of information available. Source: "Bloomberg Opinion" by Sam Fazeli.

As noted above in the article excerpt, Pfizer's own research on vaccines are shown to be less effective on patients with compromised immune systems such as myself. : "A crucial cohort: older adults are among the populations most vulnerable to COVID-19 and will receive many doses of any approved vaccine. It's not uncommon for vaccines to be less effective in old people because their immune systems don't work as well... Stopping a trial early means there will likely be very limited data on whether a particularly crucial vaccine clears

I know in my own practical experience the validity of Pfizer's research due to my severely compromised immune system as outlined in Exhibit: W. Upon receiving a vaccine/antibiotics I have a slight improvement, but there after degrade into a medically worse condition than before receiving the antibiotics/vaccine. This fact being referenced in Exhibit: W, pg. 3 of 16, beginning bottom of pg. 3: "But the antibiotic simply could not..." and ending on pg. 4 of 16 at "...and history of lung infections". And skipping down on pg. 4 of 16 to: "(2) I do not like to take antibiotics..." and ending with "...I often get sicker that before taking the antibiotics". The point being: Not only may a COVID-19 hastily emergency approved vaccine not be effectual for those with severely compromised immune systems such as myself, it could very well make me very sick with irreparable catastrophic outcomes. My severely compromised immune system may very well not be able to recover from the vaccine.

In short, taking the proposed vaccine, I may well get just as sick from the vaccine as I would contracting COVID-19 contagion from another inmate. Thus another point that merits my need to isolate alone in my own home, separated away from all other individuals until the COVID-19 contagion has been mitigated from the entire world-wide population.

Case No.: 1:20-cv-05544-NLH

11/11/2020

Supplemental Addendum #14.1.

Rehabilitative/Restorative Justice

Additionally I have taken full advantage as redeeming the time I have been incarcerated, to prepare myself through much effort while existing in considerably less than ideal living/study conditions while confined at various jails/prisons since my incarcerations began 7 years ago. For me this imprisonment was a true wake up call. I am constantly amazed at how people can end up in prison yet continue right along in their criminal attitudes, and behavior, and do not wake up to the reality of their destitute condition, and situation. Then I am reminded of what Yehovah Elohim has spoken through my fellow prophet, Jeremiah: "The heart is deceitful above all things, and desperately(continually incurable) wicked(evil): who can know(understand) it?" (Jeremiah 17:9, emphasis added). And then all things come into their proper perspective. Earth's clue reveals Heaven's view. In fact, for man to change his destitute condition, and way, a complete exchange is necessary - a heart transplant is required, a heart transplant is absolutely necessary. God speaks forth this simple fact through the Prophet Ezekiel: "A new heart also will I give you, and a new spirit(Life) will I put within you, and I will take away the stony(dead) heart out of your flesh, and I will give you a heart of flesh(Life) and I will put My Spirit(Holy Life) within you, and cause you to walk(live a Holy Life) in My statutes, and ye(all of you collectively together in agreement as one, existing in one unified Life existence) shall keep My judgements, and do them." (Ezekiel 36:26,27 emphasis added). Further, God pronounces the resultant on those who refuse to receive a new "Life"(Spirit) existence, and a new willful life purpose(heart). "But as for them whose heart(willful purpose) walketh after the heart(willful purposeful desire) of their

detestable things, and their abominations, I will recompense their (evil) way upon their own heads, saith the Lord God(Yehovah Elohim)." (Ezekiel 11.21, emphasis added).

There is a call from above, but for rehabilitative/restorative justice to transpire there must also exist a cry from within. In my life previous to incarceration there always existed a call from above, yet not a true cry from within. But now, through much affliction, now the call from above matches the cry from within. Previously the cry from within was immature, insincere, and weak. But now the cry from within matches the call from above with Holy efficacy to assume, and exist in the plan, purpose , and will the Creator, and Owner of my eternal destiny had predestined for my earthly existence. Received, accepted, and assumed a completely other "Life" - as it were - as a dying man receives a new heart of flesh, thus I have received a new heart of "Life". You see, the main thing that ended me up in prison is the mother of all sins - Idolatry - an existence of walking death for which there is an eternal judgement of commendation resultant in eternal destruction. In pride of ignorance , and pride of arrogance, what I was previously unable to see was the simple fact that apart from Christ; who is "Life" Himself, apart from "Life", I had no life. What I had was only a blind, deceptatory walking death. And there in is the old saying vindicated: "you are what you eat.": "Jesus said unto them: verily, verily, I say unto you, except ye(all of you) eat the flesh of the Son of man, and drink His blood, ye(all of you) have no life in you." (John 6:60, emphasis added). Unless we forsake, and relinquish our own corrupt soul-self existence; which is Idolatry - the trinity of sin - the little god of me, myself , and I.....Unless we relinquish self ownership and receive His true, ever-living "Life" as our very own, we, in and of ourselves, have only death and not

life. Jesus asks this question: "Doth this offend you?" (John 6:61). He further clarifies: "It is the Spirit that quickeneth, the flesh profiteth nothing. The words I speak to you, they are Spirit and they are Life." (John 6:63). God is supplying Heaven's view by the efficacy of earth's clue. God is revealing the "Life of Life". He who has ears to hear, let him hear what the Spirit of the ever-living, current-speaking voice of God says.

Even though the BOP's inmate educational provisions do not offer classes for my speciality of education; over the years, I have spent many hours of hard work, studying, and preparing for the moment when I can begin to write my doctrinal thesis, and successfully obtain a Phd. in Religion, and Theology. Subsequently, and consequently resultant of many years of God-led intense self study, and meditation in the Holy, living Spirit of God, I have written numerous books. Of which, I have these manuscripts in my possession waiting for release from prison that I might begin publication as funds become available. One of the wonderful things about God is: What God requires, God Supplies, if we will simply get out of the way and let Christ live the day, if we will simply give it up and let Christ live it up.

Here is a list of the books I have written:

An (8) Book Series:

"God's Will, God's Life, You. Earth's Clue...Heaven's View

Don't Miss This Kiss...This Holy Kiss:

Book 1: "What Have You Chosen?, Life or Death?"

Book 2: "Regeneration"

Book 3: "Spiritual Gifts"

Book 4: "Consecration"

Book 5: "Sanctification"

Book 6: "Kingdom Living Is Transformation Life"

Book 7: "Alpha, And Omega Daily Journal"

Book 8: ""All Things New - The Consummation Of Deconstructatory Reconstruction"

"The State And Condition Of The Church: Ruinous Failure - Glorious Favor"

"The 3-Fold Dispensation of Regeneration"

"A Crisis Of Desire: The War Of Corrupt Lusts Against True Life"

"Betrothed To Christ - What On Earth Could That Mean?"

"Dualism"

"Homosexuality - Is It A Sin?"

"The Ultimate Sell Out - Crash Dummies And Other Mummies"

"Spiritual Journey - Glimpses And Gleanings Of Grace"

"The Essence Of Human Life"

"The Silence Of God"

"A Future Hope And A Present Help"

"Tasted, Tested, Tried, True"

The Tri-fold Unity Of Transformation Actuation"

"Breaking Through - Such A Time As This"

"The Clash Of Cultures - The Clandestine Conflict: Deceptatory Lawlessness Verses The Righteousness Of The True Ever-Living God"

"Functional Disfunction"

"The Great Transgression"

"Just Another Day?"

"The Antithesis of Spirit-led Body Life Verses Man-Led Organization"

"Praise And Worship"

"Those That Believe"

"A Completely Other Life - Blood Price Paid Is Power Life Made"

"Something More..."

"Money-Power-Control...Separation"

"The Pattern Of Soul Degradation And Destruction"

Also, I satisfactorily completed (2) BOP Rehabilitative Programs:

1. A six month character building program: "Threshold"
2. A nine week technical program: "Greeting Cards"

Of which I received credit only for the technical program, but not for the character building program, even though I successfully completed both. The BOP's record keeping is fallible.

Case No. 1-20-cv-05544-NLH
11/11/2020

Supplemental Addendum #14.j

Case Update: The Need of Sentence Reduction to

Balance the Scales of Justice

Additionally, there may well be the implication of a further need for sentence reduction to balance the scales of justice as alluded to in Exhibit W: "Request for Hardship Relief" submitted to Warden Ortiz on 6-14-20, the imposition of Duress by Menace pgs. 9-10 of 16.

Over the previous (8) month period since the Covid-19 pandemic began to infect the U.S. and the BOP subsequently places all inmates on lockdown. The extreme causal risk factor of confinement lockdown conditions of Fort Dix Prison as outlined in Exhibit W., pg. 6-9 of 16 coupled with my compound vulnerable health conditions outlined in Exhibit W., pgs. 1-6 of 16 all in light of the presence of Covid-19 contagion at Fort Dix Prison with subsequent Duress of Menace as outlined in Main Petition Document, pgs. 6-18 of 31, resultant of these cojoining factors is an exponential increase in my personal stress levels. Subsequently the increased psychological pain and suffering of existing in the high risk, possible life-threatening/irreparable harm confinement has increased my physical Chron's symptoms. Said psychological pain and suffering for someone with Chron's disease directly translates into exponentially increased physical pain and suffering. I have experienced and continue to experience an increase in my very debilitating symptoms: severe abdominal pain, migraines, blurred vision, diarrhea, constricted esophagus / difficulty swallowing food, muscle and joint pain, malnutrition, very low energy levels, continued dizziness and disorientation of surroundings, sudden and irregular heart palitations, diminished cognitive abilities. Referenced constricted esophagus results in one of my other medical conditions: obstructive Sleep Apnea, BOP medical designation 647.33, of which I have also noticed an increase in breathing difficulty as well as increased Chron's symptoms.

As my stress levels rise and my physical Chron's symptoms consequently increase, further on my mind is the fact that Chron's symptoms are progressively debilitating with cofactors having a cojoining cascading coefficient of catastrophic levels, requiring life-long, constant, expert medical management, as well as a constant holistic lifestyle including; but not limited to, proper medication, highly specialized mitigating diet, calm living environment and other advanced therapeutics. Prognosis: Advanced degradation often requires

multiple hospitalizations / surgeries. With no medical cure currently in existence, proper maintenance of Chron's disease is of paramount importance in an effort to mitigate the irreversible damage imposed upon patients by a lack of proper care as related to the above aforementioned parameters. None of which is possible in the environment which I currently exist, confined at Fort Dix Prison under extremely stressful environmental living conditions. Thus does this deprivation situation also increase my psychological / physical pain and suffering. With all of these symptomatic progressively debilitating cofactors weighing on my mind in addition to the real risk and real danger of possible contracting Covid-19 with highly potential irreparable harm or death as the outcome has also additionally, exponentially increased my physical pain and suffering. Resultant of increased debilitating Chron's symptoms said conditions of the past (8) months of lock down with subsequent debilitating Chron's symptoms has incapacitated my physical and mental ability to even function in a normal manner.

In conclusion, the increased physical pain and suffering has created a "hard time" factor of punitive imposition over and above what the Honorable Court meted out. Said increase in punitive value warrants sentence reduction of necessity to balance the scales of justice so as not to exceed a greater sentence than necessary.

Case No. 1-20-cv-05544-NLH

11/11/2020

Supplemental Addendum #14.m.

In regard to my motion for compassionate release pursuant to 28 USC §2241 & Hardship relief under the CARES Act, Pub. L. (March 27, 2020) in support thereof I additionally provide the following:

"Individual Re-entry Plan (IRP).

I. Basic mitigating re-entry factors that merit early release:

- (1) Absence of criminal record at age 45, before this arrest, indicating an extreme minimal possibility of recidivism. I was a highly productive member of society before my arrest. I operated a very productive, profitable, legal, moral, and ethical business for 25 years in the apartment industry. My business made a positive contribution to the local economy and a positive contribution to society as a whole.
- (2) The fact of no history of violence as indicated by no previous criminal record at age 45.
- (3) The fact of no history of violence during the (7) year period of incarceration.
- (4) The fact of no history of drug use.
- (5) The fact I am currently housed at a low security prison.
- (6) The fact of having a minimum "PATTERN" Score, according to the original D.O.J. scoring instrument.
- (7) The fact that the validity of the statements in my PSR; by a careful, logical, non-biased preponderance of the evidence, are overly exaggeratory, and effectively null and void by their persistent contradiction in multiple police interviews, as well as contradictory in relation to the forensic evidence.
- (8) The fact that I have family support, my aunt and uncle, who live 40 miles away, and a cousin who lives 2 houses down from my residence.
- (9) The fact that I have a degree in Electronics Engineering.
- (10) The fact that I ran many different businesses beginning at age 16. (I had my own profitable lawn care business I operated in the summers while on summer break from school).
- (11) The fact that I am highly educated, multi-skilled, hardworking, progressive, honest, with strong moral and ethical constitutes, which makes me highly employable. I am one of those people that is an overachiever - I can

build just about anything from just about anything. I have this God-given gift as outlined in Exodus 31:1-5 "to work in all manner of workmanship."

(12) I always worked while in custody: electrical department, Mr.

Cutright/Hazelton Prison, chow hall dish room, Mr. Gore/Hazelton Prison, chow hall dishroom Mr. Edelman / Fort Dix Prison; Morning Yard detail clean up, Mr. Petty / Fort Dix Prison.

(13) The fact that all trials and tribulations of condemnation of imprisonment and the bonds and afflictions there of, multiplicative duress by menace, have not moved me, nor can they move me off the plan, purpose, and will God had predestined for me, thus neither do I count my earthly existence as dear unto myself, so that I might finish my course with joy, and the ministry, which I have received of the Lord Jesus, to testify, both in word and deed, the gospel of the grace of God. (Reference Acts 20:24) And some may say, "Preacher, how is that remarkable statement even possible?" The answer is simple, yet absolutely, unequivocally, guaranteed for the simple fact of the matter is: It's not me, It's not me, it's Jesus Christ for the world to see. How? Jesus said, "I speak not myself, but the Father that dwelleth in me, He doeth the works." Ref. (Jn. 14:10). And subsequently the born again redeemed elect have that Life of the Father in dwelling - the same that dwelleth in Christ Jesus: "Christ, who is our life" (Col. 3:4). Thus are we "saved by His Life" (Rom 5:10), Thus do "we reign in Life by One, Jesus Christ" (Rom 5:17) How? "Work out your own salvation with fear and trembling. For it is God which worketh in you both to will and to do of His good pleasure." (Phil. 2:12b, 13). And how is that possible? - the surrender of submission to the living God of Life, that's how! It's not me, It's not me, it's Christ Jesus for the world to see. How? Get out of the way and let Christ live the day. Give it up and let Christ live it up. That's how.

Whether you release me now, or the BOP releases me in 18 months, if I live through Covid-19 in confinement, I must preach repentance to the USA and the nations of the world. Especially for the USA, it is past time for a national repentance. The USA is under the judgement of God already. It is time for a healing of our land. Until the so called people of God turn back to the God of life healing, in whole hearted repentance the situation in the USA will only continue to downgrade. Without the efficacy of God's Holy Spirit poured forth through His anointed, commissioned, and mandated prophets, the USA will continue down the slippery slope of soul degradation and destruction as outlined in Romans 1:18-32. "For the heart of this people is waxed gross, and their ears

are dull of hearing, and their eyes have they closed, lest they should see with their eyes, and hear with their ears, and understand with their heart, and should be converted and I should heal them." (Acts 28:17). Without this sincere repentance, a repentance not of mere lip service, but of forever thereafter Life service, without this sincere repentance, living in the land of the USA will become more and more perilous. But God clearly proclaims both contextually and eternally, for all those that believe, the ever-living, current-speaking, efficacious words of God: "If My people, which are called by My name shall humble themselves, and pray, and seek My face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land. Now Mine eyes shall be open, and Mine ears attent unto the prayer that is made in this place." (2 Chronicles 7:14, 15). But - "How then shall they call on Him in whom they have not believed? and how shall they believe in Him of whom they have not heard? And how shall they hear without a preacher? And how shall they preach except they be sent? (Romans 10:14-15a). Your Honor, would you release me from prison that I might now and hereafter be sent? For I have received a mandate and a mission to fulfill all to me that Christ has commissioned. May God's will be done, for nothing less will do, either for me, or for you.

(14) Additionally, I have a small amount of money saved, and there is also the fact I will qualify for public assistance. Food stamps, possible unemployment benefits pursuant to the fact I paid in many years and never used any of these benefits, as well there is continued medical treatment through Medicare of which the inexpensive medications for the treatment of Crohn's disease symptoms are not that effective. Proper diet, exercise, and calm holistic lifestyle are the major mitigating factors to control Crohn's disease symptoms of which is not currently not available to me as incarcerated at Fort Dix Prison, but will be available as I reside in my own home. Thus these financial assistance mediums are available to me until at such time that I am allowed by the Court/Probation Officer to seek employment / self-supportive income.

(15) Although I have successfully completed 75.5% of my sentence, the Attorney General's Memorandum regarding "Prioritization of Home Confinement As Appropriate in Response to Covid-19 Pandemic" does not identify the portion of the sentence served as a factor of consideration in granting release. (March 26, 2020) available at https://www.bop.gov/coronavirus/docs/bop_memo_home_confinement.pdf cited from: US v. Gakhov, 2020 US Dist LEXIS 113606, No. 15-cr-

470-1 (June 30, 2020) (see footnote #9) of Judge's opinion.

(16) The fact that I have completed what could be considered a significant amount of what would be considered rehabilitative / restorative work. But more so, what I have accomplished is; by and large, over and above the abilities and scope of the average inmates' requirements as referenced under "Rehabilitative / Restorative Justice", page of main petition document: "Rehabilitative / Restorative Justice"

(17) The fact that I have a mandate and a mission - to fulfill all to me that Christ has commissioned. Thus I will consequently maintain myself in an orderly manner after the moral and ethical directives of the Most High God.

(18) The fact that I am in compliance with all financial responsibilities.

(19) The considerable amount of restitution remaining unpaid due to low income while incarcerated I have thus far been able to pay down only a tiny fraction of the restitution owed. The faster I am re-integrated into the community, the faster I can become more profitable and thus pay more on the restitution.

(20) I have a fully furnished house that is completely paid for; located in Emporia, Virginia. My house is currently vacant, thus I can live there alone in medical isolation on home confinement, and/or quarantined until Covid-19 dissipation.

- The fact that is manifestly self-evident, that the conditions under which I would reside alone in my house would present a much, much lower risk of contracting Covid-19 and subsequently passing the infection to others, than if I remain in the high risk, overcrowded, close-contact confines of the potentially contagious environmental living conditions of the many, already infected housing units of Fort Dix Prison.

— The fact that Home Confinement and/or sentence reduction will provide the opportunity to practice optimal infection control measures, which will mitigate existing risks of cross contamination including; but not limited to, continued diligent personal protection measures:

- Frequent hand washing - with antibacterial soap.
- in any event that soap and water are not available, keep hand sanitizer; with at least 60% alcohol content, readily available on my person, which is not available in the BOP due to alcohol products being banned.
- avoid touching eyes, nose, and mouth with unwashed hands.
- Maintain minimum 6' social distancing at all times - whether people are sick, or not, symptomatic or non-symptomatic.

safety, and in fact I do not pose a danger to individuals or the community. Not only do I not pose a danger to anyone, much more so, I pose and propose an ever present actuation of individual and societal elevation - followed by an ever present holy ovation, eternal praise to the maker, builder, and Master of both temporal and eternal salvation.

My needs, goals, and progress are clearly displayed, and further exemplify my personal and professional goals.

I hope that my reentry plan has explained why my early release is justified.

11/11/2020

Case Update: Supplemental Addendum #14.g.

CASE NO. 1:20-CV-05544-NLHPreface: Memorandum for Exhibit K, Chronological History of
Case #5:15-cr-00126

I believe one of the discretionary factors inhibiting my speedy release is the criminal charge classified as "violent". And even though I believe I have clearly exhibited an increase in the severity of punishment far exceeding an sentence the Honorable Court meted out (Reference Supplemental Addendum #14.e.). Even though I have endured a unique form of "hard time" that no court could have contemplated when it handed down my original sentence. The intensity of the punitive atmosphere and environment has certainly been increased exponentially in the face of grievous imprisonment resultant of Covid-19 coupled with my vulnerable health conditions such that the psychological intensity of the stress factor increase has caused my physical conditions of pain and suffering with Chron's disease symptoms to increase exponentially. I believe I have demonstrated that in the past 9 months since the Covid-19 prison lockdown began that due to this unforeseen heightened intensity of punishment I have received, that in fact the need for sentence reduction is warranted to balance the scales of justice. Yet and still at this moment in my motion I feel it is of relevant importance to properly address this criminal charge of "international domestic violence" that subsequently has classified me as a "dangerous" person. To address this charge of "violence" with an investigative, relevant, revealing by the efficacy of a nonbiased relevant review that as of yet has not been manifest, though I were convicted, and as of this motion for Covid-19 hardship relief, have already served the larger part of the imposed sentence. And of the sentence, thus served part of it under heightened severity of punishment due to the aforementioned conditions of confinement during Covid19 crisis.

This expose revealing the evidence of disclosure, previously concealed, presently contained herein, is clearly substantiated by the relevant, rational, non-biased review of my case. I believe, any competent, rational, judicially-minded person, who, by the efficacy of a close, logical, non-biased preponderance of the evidence of disclosure would not fail to see the tragedy of my situation. This evidence of disclosure contained herein exposes the whole truth of the matter as related to my being classified as a "violent offender" and I believe will ultimately reveal and unequivocally substantiate that quite in fact not only am I not a "violent offender", but also consequently, quite in fact not a danger to any individual person, or a danger to the collective society as a whole. Thus, in conclusion, this charge of "international domestic violence" should not be a factor of consideration in my speedy release from unconstitutional confinement at Fort Dix prison.

Exhibit: K

Chronological History of Case # 5:15-cr-00126

U.S. v. Robert Edward Whiteside

This record of the chronological history of my case covers a large majority of events and is not completely exhaustive, but is comprehensive in that it covers; with intensity and specificity, thus clearly displaying, the nature and essence of the truth that was otherwise minimized, brushed aside, and/or covered up.

First, a brief synopsis, then a detailed account. Synopsis: I was corresponding with (1) woman through the internet, searching for true love/marriage. After a few months of daily conversations she arrived in USA from Germany so we could get to know each other better. The first day she was here, she was like a different person, not who she had represented herself to be through the internet. It was immediately clear she was not interested in me as a person, but was in reality looking for a cash cow to milk. I refused to cooperate with her plan to immediately have a baby with me: she could have the baby in Germany and I would file documents here with the US Government and the baby would be a U.S. citizen. She had everything planned out and only informed me of her true intentions after she arrived in USA. Once I realized what was really going on; at that moment, I promptly and politely informed her that I would not be continuing the relationship and that she must leave as soon as she can get her ticket changed. She threw me under the bus, told the police a bunch of lies, of which there was no physical evidence what so ever. Being new to this whole situation and knowing I was not guilty, I trusted the public defender's office, but they only helped to trap me deeper into this nightmare situation. So here I am with a 10 year sentence, shocked by a failed system of justice. Now a detailed account of what actually transpired between I and the alleged victim. What transpired between us and the subsequent police handling of the situation is a rather long story. I ask you to please be patient, because the details are what really reveal the truth of the whole situation. These important details were brushed over, overlooked, and ignored and covered up by the police, the prosecution and my own defense attorneys. As well, there existed a twisting and misrepresentation of the facts actuated by a systematic pattern employed by the police, as well as evidence destruction and outright lies.

The detailed account: In the spring of 2014, I began to communicate with the alleged victim I met through a marriage website. When this woman began to communicate with me, she represented herself as being a serious person also searching for true love/marriage. I had no idea it was just an act, a ploy to latch into a man for her own financial well-being and support. After a few emails through the marriage website we started to talk in Skype with video. She told me about her current situation: that she was born and raised in Russia and that at 19 she married a German citizen and for the past 15 years had lived with him. How she discovered; only after years of being married, that he was a homosexual and lived a secret life. I asked her why she did not leave him when she found out years ago. She said that she had no education and if she went back to Russia she could not support herself. So she stayed with him, since he needed to be married in his small German town to cover his homosexuality and the relationships he had with younger men, and she needed the financial support. Yes, that should have sent up a red flag, but my problem is I trust people too easily, especially women that seem to have been taken advantage of. And also my

mom was dying of liver cancer and the alleged victim was overwhelmingly supportive and so nice to me. So I was in a very emotionally vulnerable position which I did not realize at the time. So I fell in love with her. When I first connected with her she was living in Austria going to school studying Russian history. She said her estranged husband was paying for everything, that she had come up with the idea to get away from him and divorce him somehow. He did not want her to leave him. She said the only reason why she was studying Russian history is because she spoke Russian already and did not know what else to do to get away from him, because she did not have any money of her own and she could not get a job in Germany since she had no education and had not worked since she got married to him. She explained how the Germans do not like Russians, and getting even a simple job would be impossible. I know I should have been at least a little bit suspicious, but I trust people too easily, it is my personal fault and I also was in a weakened emotional state at the time with my mom dying from liver cancer. I had the best mom. She was the only person in life I could depend on. She was not a perfect mom but she really sacrificed for her children.

So I talked to this woman many times each day. (I had a laptop in my work truck and drove about 200 miles a day). I made it clear from the very beginning that I was a serious person and wanted to get married and have a family with the right woman. Things developed quickly with her, she represented herself as wanting the same things. At about (2) weeks into our communications she began to undress; of her own free will, in front of the camera. She said she had not had sex with her estranged husband in 13 years. Well she was sex crazy. For about a week she would remove her top - then after that, everytime we connected she wanted to get completely naked. Sometimes when I would connect with her she would already be completely naked. Excessive, yes. Should that have not raised a red flag? Yes, but she had like, emotionally captured me and then she sexually captured me. She treated me so nicely and then when she started to remove her clothes in front of the camera it was at first a little at the time and each day it escalated a little until finally I would connect with her and she would already be fully nude. Should I have realized that she was using sex to draw me in deeper? - yes - but it was like she cast a spell on me: not that she was so pretty; because she was not that pretty physically. But pretty is as pretty does: she was so overwhelmingly nice to me. It was like I could not resist her. She always said the right things, her words were always golden. And she seemed so innocent and helpless in the bad situation she was in with her estranged, homosexual husband. Should I have realized that she chose to stay in that situation for many years? Yes - but I most often think the best of people, trust them and give them the benefit of the doubt. I wish I could change this about myself, but when it comes to people who appear to need help or are disadvantaged I find it very difficult to turn away - even I find it difficult to distrust such people. I think this comes from my childhood: When I was young there was a lot of death in my immediate family. My first memory, my granddad died when I was 4. I still remember everything. I was there when he had a sudden heart attack. Then when I was 11 my grandmom dies - she suffered many years in the nursing home previous to her death. I watched the whole thing. Then at age 12 my favorite uncle gets run over by a car and killed, then at age 14 my dad dies. So I know how it feels to be in very disadvantaged situations. So I find it hard to turn away from people that need help, to the point I get pulled into their disadvantaged situation, which has lead to me having been taken advantage of many times in my life, still I very often think the best of people and trust them to my own detriment. I actually thought the alleged loved me since she told me so and treated me so nicely, giving me a lot of emotional support as my

Victim

mom was dying. And I had already started to feel love for her. So we decided to meet in person. She said she could not come to USA until after her term was finished at school, so we agreed she would arrive sometime after that. Then in the next week or so, one day I wake up to find a message in Skype from her: "I am going crazy, I cannot think about school, I cannot live without you. I am going to Germany now to get a passport so I can come to you as soon as possible." I did not hear from her for (2) days, then when I connect with her she says she is in her estranged husband's house in Germany, that she has applied for her passport, that it will be ready in a week, that she is going back to Austria and they will call her when she can come and pick it up. I do not know what lie she told him as to why she came home suddenly and needed money from him or maybe he was in on this scam somehow, or maybe she was lying to me and him. But she returned to Austria the next day and we continued to communicate as usual. Then, about a week later she disappeared again and for (2) days I did not talk to her even though it showed she was logged into Skype constantly. Then she begins to talk to me again, tells me she is in the hospital in Austria, she explains that when her passport was ready they called her house in Germany and told her estranged husband that she could come pick up her passport. So she tells that he came to Austria, very angry, that he attacked her, squeezed her neck, and damaged the arteries in her neck, that she had to stay in the hospital for (2) weeks because they were afraid she would have a stroke. I was shocked by all this and it made me feel even more empathic toward her. She said he had apologized, that he had agreed to help her with her financial expenses for her trip and she was not going to press charges with the police. Should all of this thrown up a red flag? - yes - but how could I desert her in this situation? After she had also been so supportive of me while my mom was dying? She said I was the only person she could depend on. I know exactly how that feels, my mom was the only person I could really depend on. So we continued to talk everyday through Skype on her mobile phone. I saw her - she was in the hospital or at least it appeared she was in the hospital. Was she truly in the hospital? I never knew for sure. After (2) weeks they released her from the hospital and she could not travel by plane for another (2) weeks due to pressure change in altitude could cause a stroke. During this time she stayed in her estranged husband's house in Germany, of which I was very worried that he might again abuse her. As far as I know during those (2) weeks everything was fine except for one incident which is explained later on when I detail the Series of events that transpired, the first night she arrived in USA. Really I don't know what his involvement was in this attempted scam, but I have the idea; as my first attorney: Debra Newton also had, that he was also involved somehow which will be revealed in the evidence as the story unfolds. Debra Newton was the attorney I had when I was on state charges in North Carolina, which were dropped when I was charged by the Feds.

So as we continue to communicate through Skype; constantly talking during the day, our relationship developed deeper having gone through this trauma together that she had experienced. Yes, I know this is just the internet, but with cameras and talking face to face it all seemed very real to me even though it was all just a scam. So she was searching for plane tickets every day and sending itineraries to my email, all day long, every day advising me of which tickets/times were best for her. She volunteered she would pay half the cost of the ticket: \$600.00 U.S. When my mom finally died I was not on the internet as much. I do not know maybe she thought I was not going through with our meeting, maybe she thought I was catching onto her scam. I was just very busy with my mom and her death/funeral, I was not ignoring her, but maybe she thought I was. In one email she stated that she did not have a credit card and could I buy the

ticket and she would pay half (pay me back when she arrived). But in fact she did have a credit card - the police photo copied all her documents, it is part of the evidence. So she lied and it is proven, her first lie discovered among many, many lies. The tickets she was finding were around \$1,200.00 round trip. But I ended up paying more. She sent me constant emails of itineraries, I think she was getting upset maybe because a week had gone by and I had not bought the ticket. I was very busy and extremely upset, my mom had just died on Sunday, May 25, 2014 @ 7:15pm - I was in the hospital room and watched her take her last breath and the color of her face went from pink to white in seconds, a terrible experience. Realizing this is the person who had raised you and always did her best, sacrificing to be sure her family's needs were met. And, now to realize there was nothing I could do to help her in her moment of need. I know for some people they did not have the best parents or any parents, but for me it was a terrible experience to watch my mom die in front of me as I stood helplessly beside her hospital bed. So there was a mad rush for my brother and I to find the insurance policies in her house and plan the funeral and he was also extremely upset and really he was more of a hindrance than a help. So for a week, I simply was not in Skype that much. She was noticeably upset in her messages because I was not in Skype. My mom died on Sunday night, the funeral was Thursday, and my brother went back to Florida on the following Monday and I had a full schedule of customers that same Monday and all week (June 2, 2014). So the day before I bought the ticket she was very sexually aggressive more than usual. That should have raised a red flag - yes - but I was on emotional autopilot at that point. I really could not think clearly during that week and she had already drawn me in and captured me. I had not slept much or ate much in the (2) past weeks. I had an overwhelming feeling that I should not buy the ticket for her, but I was in such a debilitated, vulnerable emotional condition - I could not think clearly - It was like I was not there, even though I was physically present. So I bought her ticket on Sunday night - she was to arrive on June 4, 2014 and stay for 3 months returning at the end of August to Germany.

I bought a round trip ticket. She said her estranged husband would take her to the /airport. I was still worried about that situation. But she reassured me again that they had reached an agreement: that she would not press charges with the police for his attack and choking her and in exchange he would not make any problems and would help her with what ever money she needed for her trip - These were her exact words - Should that have raised a red flag? - maybe - but I was already under her spell and felt love and had maximum empathy for her and her situation. And since my mom had just died I was in a very emotionally vulnerable condition. So starting Monday June 2 I had very long work days in the summer heat in a Tyvek suit - 12 hours a day: Mon - Wed and already I had not ate or slept much in (2) weeks - so I was completely physically and mentally exhausted when she arrived on Wed night June 4 at 10:30pm. Wednesday, June 4, . 2020: I finished work at 7pm came home took a shower and rushed to the airport. Her plane was an hour late - fianlly she arrived. She acted so nervous - excessive much. On the 45 min. drive from the airport, I asked her if she was hungry, she said no. We talked about her trip: She told me she thought she was going to miss the plane, that her estranged husband had attacked her again just before she left and he had squeezed her neck again. Her neck was red and she was constantly grabbing it complaining of pain - I asked her (3) times if she wanted to go to the hospital, each time she said "No" That she was still taking pain medicine. Then she began to talk about how the lights were so bright and how she was glad to finally be here. She never asked me about how I was doing, about my mom, brother/sister, in the whole time she was with me, she never again mentioned anything about my mom except to talk

about insurance policies and my mom's house. But when we were in the internet she was constantly asking questions and making sympathetic comments to me about my mom's death. Things like "she did not really die, you always have her in your heart and memory." I never thought about this till after I was arrested. I did not realize it at the moment, but the person that arrived on the plane was a completely different person from the one in the internet, except for one thing the sexual intensity seemed to have escalated. So we arrive at my apartment. Again I asked her if she was hungry, again she said "no". Again I ask her if she wants to go to the emergency room and have her neck x-rayed. Again she says "no". I gave her a box of B.C. powder and told her the instructions: "only take one every (6) hours." By this time it was midnight and I could barely stay awake. She takes a shower and I tell her I will sleep on the sofa in the living room and she can sleep in my bed in my bedroom. She gets upset and insists that I sleep with her. So we get into bed to go to sleep and immediately she starts to touch me between my legs. I tell her I am so tired can we just wait to later, that she will be there for (3) months, there is no rush. She is more upset now. I ask her to please let me sleep, she strongly objects and will not stop touching me, almost like she is possessed or something. I tell her that I am just to physically exhausted, how I had worked 3-(12) hour days in the heat, I was dizzy and sick on my stomach and had no energy. She knew I had Chron's disease and she knew I had not slept or ate much in (2) weeks, but it was clear she did not care - her focus was sex. Finally I told her I was going to the living room to sleep alone on the sofa, within minutes she followed me and the same conversation continued. I asked her to respect me as a person and just let me sleep, that I did not understand why she was acting this way with me. She was intent that we were going to have sex and would not accept "no" as an answer. I did feel sorry for her and hoped that if we had sex she would relax - so we went back to my bed and had sex. When I ejaculated I pulled out of her and ejaculated on to her stomach - she started yelling: "Why did you do that?" I said we are not married and I do not want you to get pregnant." I said that is not going to happen unless we are married first and we just met and you are still legally married. She said "but I can have the baby in Germany and you can file documents here and the baby will be a US citizen." I said that is a crazy idea, I would never want a child of mine born in another country, especially if I was not there. I told her that is never going to happen. She said I thought you loved me. I said I do, but we are talking about one of the most serious issues of life. I would never agree to such a crazy idea. If all I want to do was have a baby without being married I would have done that years ago. Children must have a stable home with a mother and father that are committed to their marriage. I told her I did not understand why she was acting this way. So then I try to go to sleep in my bed with her, but still she will not leave me alone - she wants more sex. So I tell her I am going to sleep along on the sofa. She does not follow me this time. I did not realize it then, and in fact it was the farthest thing from my mind at that time but she was interested in me only for an anchor baby - for financial support. Also I forgot to mention, but as we talked through the internet she asked me if my mom had life insurance policies. I remember telling her that my mom was a life insurance agent for 25 years before she retired and that most likely she had many policies, but I did not really know. I never discussed my mom's own death with my mom. It was just too painful of a subject. The alleged victim pressed me to ask my mom about the policies. Should that have raised a red flag - yes - but I just thought she was making conversation and really interested in my mom. Again I trust people too easily and think the best of people. And she did not press any more questions at that point about insurance policies - but that changes after she arrived

(more info to follow on that subject).

Thursday 5 June - Next morning I wake up and must run to work. I tell her we must go. (There is no way I was going to leave her alone at my apartment the way she was acting). I tell her I need to get the \$600.00 she promised to pay (the price for $\frac{1}{2}$ her plane ticket) so I could put it in the bank. The account was low - under \$3,000.00 is low for a business - the account varied from \$30,000 to \$1,000 depending on the time of year or time of month. So she says she does not have \$600.00. That she is very sorry - that her estranged husband did not give her enough money, that she is very sorry - that she is giving me \$300.00 US + 20 euros and she will send me the rest after she comes back to Germany. She clearly states: "that is all the money she had." But in fact she told the police in her statements she had 700 euros - Like \$1,200.00 US - I never knew how much money she had - it was not my business - I never forced her to give me the \$300.00 and 20 euros she did it freely while apologizing the whole time. In one statement she tells police I took "all" of her money (2) lies: (a) I never "took", she "gave" (b) if I "took" all her money then how is it she later in another FBI statement tells that she had 700 euros - more lies - proven by her own statements. On the drive to the jobsite where I would be working she tells me it was too "stuffy" in my bedroom and she could not breathe well, I told her I would buy and install another ventilation vent that night after work. That I had insulated the bedroom very well to stop the noise of trucks being loaded all night at the building next door and also another building they often worked all night beating and banging on metal. So we eat breakfast at Bojangles - I work at an apartment complex and she wanders around the grounds in the picnic/playground area - and on the internet using my computer in my truck. After work we go to Whole Foods. Because my Chron's disease requires a very specialized diet I only shopped at Whole Foods and purchased only the highest quality organic, Chron's diet specific foods. Yes, it is 4 times as expensive as a normal grocery store. But if you don't have good health you don't have life actually, only a miserable existence. She gets the food she wants, we leave there and go to Home Depot. I buy a vent to install between the bedroom and living room for more efficient transfer of air through the HVAC system. We come back to my apartment. I cook - we eat - then I install the vent - cut a hole in the wall - etc. (1.5 hr. time) By this time it is about 8 or 9pm. I take a shower, I am absolutely exhausted. I sit on the sofa - she takes a shower, comes out completely naked and sits on the sofa beside me. I do not say anything, just keep watching tv. In a few minutes she stands up between me and the tv so as to get my attention. I tell her I just want to watch tv, that I am physically exhausted and feel physically sick - I am having a bad Chron's attack. Still naked, she sits on my lap, I gently slide from under her, asking her to please give me some space and let me rest, that she can change the channel and watch whatever she wants - she flips through the channels for maybe 15 minutes then says she is "bored". I tell her to get on the internet or read a book or take a walk outside. She says she wants to have sex now and begins the same conversation as the previous night about wanting to have a baby. I told her I was exhausted, but I even installed that vent for her comfort and to please respect me as a person and let me rest and focus on the tv and try to take my mind off my mom's death. That was about 9pm, by 10 pm I was falling asleep so she put on her clothes and left me along, I thought the issue was settled. I fell asleep on the sofa. She woke me up and wanted me to sleep with her, said she felt lonely and sad - said she would not bother me and would let me sleep. I got into bed with her and immediately fell asleep - she wakes me up touching me between my legs. I tell her to let me sleep - she starts the same conversation again about how she wants to have a baby with me, how she can

have the baby in Germany, and I would file documents with the U.S. Government and the baby would be a U.S. citizen. At this point I am feeling extremely dizzy and I tell her I must sleep - I leave the bedroom and go to the sofa and immediately fall asleep on the sofa in the living room. At some point during the night I am awakened by someone jumping on top of me and slapping me in the face and yelling: "What is your problem? Another man that does not want to have sex with me!" I did not know what was going on, if this person had a gun, a knife, etc. I reacted quickly in a disoriented, fearful state and grabbed the person around the neck and my right leg coming up between their legs, I stood up throwing this person off of me on to the floor and ran to turn on the light. She was sitting on the floor naked. (Background: According to the Landlord, my building had been broken into many times before I moved in and one night while I was sleeping someone broke out the window in my bedroom) so being wakened out of a deep sleep I was in shock and did not know if someone had broken in, or if she had let someone in, or what. I did not squeeze her neck, my hands were on her neck (2) seconds max. that is how fast I reacted, threw her off me as I was standing up. After turning on the light, I saw it was her. I said: "What is going on?" "Why are you acting this way?" "This is not the person I grew to love over the internet." We had about a 30 min. conversation - she apologized for hitting me and I told her I was sorry I reacted the way I did that everything would be good between us if she would just let me rest and continue to be the person she was in the internet. Again she started telling me how she wanted to have a baby with me and gave me the whole explanation of how she could have the baby in Germany and I could file documents in USA and the baby would be a citizen. I told her I was not going to discuss that it was way to early - I fell asleep on the sofa and I guess she slept in my bed room.

Friday June 6 - The next morning when I woke up she was like a completely different person, back to the kind, caring person she had been on the internet. We had sex that morning, I thought everything was going to be ok until I did not ejaculate inside of her. Again her personality switched - like night and day, she was very angry. It was like there was (2) different people living in the same body. Again she started to tell how she wanted to have a baby with me. I told her I completely disagreed with her plan and that it was not going to happen now. By this time it was around noon and I had to do (2) jobs in the afternoon - we ate at Bojangles, arrived at the apartment complex where I had to do the jobs - she wanders the grounds of the apartment complex, uses the internet of my mobile computer in my truck, hangs out at the play ground, picnic area and swings. During this time alone as I work, I am thinking everything over and realize that she has to leave, that things are not right with her that quite possibly she has misrepresented herself, that she is a different person from the internet and the way she behaves that I am not going to be able to live with her. So that afternoon as we are driving back to my apartment I tell her "she has to leave, that maybe things will be different in the future, but at the current time she has to leave, that she needs to get her ticket return date changed and leave as soon as possible, that I am ready to take her to the airport so do not delay, do not wait, leave ASAP, that we can still communicate with each other - but right now I need some time alone to think everything over - that we will not have sex again, that right now we are just friends. That it was a firm decision and I would not change my mind. That since she had no money now (although she did have about \$1,200 US, she had lied but at this point I trusted her when she said she did not have any money) so with that in mind I told her that she could stay only till her ticket was changed that I did not want to be involved with getting it changed, to contact her estranged husband since she had agreed with him that he would take care of all her expenses for

her trip and to please get it done quickly and I would take her to the airport when she was ready." What was I to do? I thought she did not have any money, I could not just put her out on the street. She begged me to let her stay and that we could "work things out". I said "no, please leave, you must leave." She asked me "how much it would cost to change the ticket" - I said "I do not know exactly - but for that airline the change fee was \$300 US and whatever the fare difference will be," I said "you know how to search, your estranged husband agreed to help you with whatever you need. So work it out with him - she pressed me for more info. I told her it could cost as much as cost of the original ticket price for the fare difference." I told her again - that "I did not want to be involved with her ticket. That I had paid for the ticket for her to come here and she had not paid the \$600 she agreed to pay - that we are separating now and to just get it done and don't worry about the other \$300.00 you owe me, forget about it. Just get your ticket changed and leave." That "I will sleep on the sofa and she can sleep in my bed. No more sex, no more sleeping together, no more touching." She was really upset. I said "sorry that is just the way it is. I am waiting for you to leave ASAP." So we get back to the apartment. I cook, we eat. I go outside and start to disassemble my Toyota truck axle, so I could take it to the machine shop Saturday morning and get a new bearing pressed on it. She walks around outside, often disappears somewhere on the property. She comes by me and starts asking me about my mom's insurance policies - if I had filed them and how much they were for. I told her that I was not going to talk about that. After she walked away I remembered I had left the (5) policies I found in my mom's house, laying on my office desk where the computer is that she was using to communicate with her estranged husband in Germany and her mom in Russia. So apparently she had looked at them at some point. (Side note: Turns out my mom had borrowed money on all of them but one and that one was just enough to pay for her burial expenses, but the alleged victim did not know that.) So of the (5) policies valued at about \$50,000.00 US only one was still active. And most of that money was used on funeral expenses. Whenever she comes near where I am working she acts so nice again - another switch of her split personality. She begs me to just let her stay and begins the same worn out conversation of how she wants to have a baby with me, etc. I tell her I am done with that conversation, so do not mention it any more. Just get your ticket changed I will take you to the airport. I asked her if she had found a ticket - she said no - I said don't wait, you must leave, you cannot stay with me. So after I finish working on the truck, it is maybe 8:30pm. I go in and take a shower. I notice she is in my office on the internet. I come from the shower and sit on the sofa watching tv. She comes and sits beside me - says she is bored again she starts asking about my mom's insurance policies - I tell her I am not discussing that - the same conversation she begins - she wants to have a baby with me, etc...I ignore her, then she starts touching me says she wants to have sex. I tell her to just leave me alone and let me rest - she begs me to just let her stay - I ignore her. I tell her no, no, no that I am done with all those conversations and not to talk to me again about those things. Get your ticket changed and leave please! After I was in jail and had time to rest, sleep and was thinking more clearly, as I thought through the whole situation, if she did in fact have a child with me that would be a pathway to citizenship for her. And since she was still legally married it would also be a pathway to citizenship for her estranged husband also to gain citizenship. (More of this later as the evidence develops against both of them). That night she pressed and pressed for sex - but we did not have sex and slept in different locations.

Saturday 7 June: I woke early, had to make it to the machine shop and get

the axle done by noon when they closed. When we arrived, she followed me in and while I was talking to the machinist and watching him work, she roamed the machine shop like a kid in a candy store looking at everything - then I went up front to the parts counter (Walker Auto PARTS) she roamed the store. When I was done I had to call her and let her know I was leaving - Does not sound like the behavior of someone that is being kidnapped or abused but someone enjoying themselves on a great adventure. So we stop and eat, then drive back to my apartment/workshop, on the way she asks how much did the truck cost Ford (F-550) - I told her \$60,000 new. She said "oh, it is so fun to ride in." She was acting so sweet the whole morning the way she had acted towards me over the internet before she arrived in the US. The she started with the same conversation - "just let her stay, have a baby - work things out, etc." I did not say anything except no, no, no you must leave. We get back to my apartment/workshop. I start to reassemble my truck, takes about 4 hours. During this time I am working out front of my shop - she is like a bouncing ball all over the place. She checked the internet said her husband did not have the money for the ticket. Said her husband was traveling in Europe with his boyfriend and not in Germany at the moment. I thought to myself: What? The guy is traveling internationally and does not have a credit card? I did not believe her. Seemed she was just stalling. But it was not my business and I was determined not to be pulled into their business any more than I had already been drawn in. But he could have easily gone to the airline website and taken care of it pronto. But I tell her that he can pay to the airline directly with a credit card then she says, "can he send the money to her credit card?" Yeah, I did not say a word, but realized right then another lie she had told me how she did not have a credit card that is why she wanted me to buy her ticket originally and she would pay $\frac{1}{2}$ to me when she arrived. She said, "how else could he send her money." I said Western Union or Moneygram. As I look back now I realize she was playing dumb and stalling. Little did I know all along she had the money with her to have easily changed her ticket - It is proven by the statements she made to police and federal investigators about how much money she had. So I was continuing to work on my truck and she was roaming all over the 25 acre property, in and out of the building and walking all around the grass everywhere, occasionally coming by the truck where I am working and saying she is bored - certainly not the behavior of a person being kidnapped and abused. Many times she could have simply walk away - she had plenty money by her own admission in police statements - she was alone 50% of the time: at Whole Foods when I went to the bathroom - the same at Bojangles - and hours alone outside at different apartment complexes where I was working. Fact is she did not want to leave - her goal was to get pregnant by me and she was determined to continue to try to further manipulate me. More than once when I was finished working at an apartment I would have to search the property to find her. She would make comments about how she wanted to live there, how beautiful it was there and could we move there. I told her we were not together as a couple, the only reason you are still here is because you have not changed your ticket so get it done - I am ready to take you to the airport. I finished the truck about 5pm. After that I pulled an extra refrigerator out of the warehouse that I had and began to clean it so I could put it in the kitchen and have (2) refrigerators since I had extra food and the current refrigerator was too crowded (at Whole Foods she had chosen a lot of food, like a kid in a candy store just randomly choosing things without looking closely at them. So my one refrigerator is not big enough. I bought all this food for her before I realized she had to leave). While I am still working on my Toyota truck axles, she came over acting so sweet and nice and asked if she could help. I said no, I just want to get it done in

a hurry. Turns out, while I was cleaning the extra refrigerator, I ran out of bleach, so I had to go to Walmart, I was in a hurry could not find her anywhere so I left her there, gone 30 to 40 minutes - get back - still do not see her anywhere. I'm just about to finish the refrigerator cleaning and she walks up, starts in again begging to just let her stay - the same as everytime. I just ignore her, finish the refrigerator, ask her what she wants to eat - she says she already ate, left the refrigerator outside to dry overnight. Fact is the cabinets and refrigerator was packed with food, which the police took pictures of yet she said I had no food and starved her. So many lies she told and the local Zebulon police believed everything she said and overlooked the screaming evidence that contradicted what she said - even in different federal investigator and police statements she makes contradictory statements. More on those things later. Also, while I was reassembling my truck axle, I had to go to the local parts store - could not find her, got ready to leave, drove up to the road and she is sitting in the grass by the road with some wildflowers in her hand. She yells, "Oh I want to ride." She jumps in we go and return 30 minutes. Ok finished the truck and refrigerator, went in took a shower and was determined to just sit on the sofa for the rest of the night, to avoid any silly conversations with her, I just wanted to vegetate and take my mind off my mom's death and focus on the tv. She came in and started to ask questions again about my mom's insurance policies and also now about my mom's house, i.e.: what will I do with the house, how big is it; what is it worth, etc. I completely ignored her. I told her not to talk to me, just to let me rest. She kept talking and talking I did not respond to her. She left me alone for 2 or 3 hours, she was buzzing around the apartment, in and out of the apartment making occasional comments about how nice it was outside and could we go to do something. I asked her had she gotten her ticket changed - she said no - I told her to get it done so you can leave, that I will drop everything to take her to the airport. By about 9pm she comes and sits on the sofa beside me and begins again with sexual advances. I tell her to stop touching me and leave me alone. That I do not want to hear about babies or anything except when you are leaving. The whole situation was getting very old and I really need to get away some where I could rest, a change of scenery. I go to sleep about 10pm on the sofa and I do not know what she does or where she sleeps.

Sunday 8 June: Wake up about 10 or 11 am - she immediately starts bugging me to go to the beach with her, I needed to get away from the apartment and some how relax. I ask her again did she have her ticket changed, she said no. I said get it done and leave please. I clearly explain to her that going to the beach does not change anything between us, she still has to leave. So I come outside about noon and realize I must bring the refrigerator in I had cleaned the previous day - that took an hour. Then I go to start the motorcycle - dead battery - takes another hour before I realize it will not charge. Went to Walmart and bought a battery - then looked up a Youtube video on how to change it - it is going to take (2) hours. I had an Arlen Ness Victory Vision - complicated to get to the battery. By this time it was 3pm, just too late to go to the beach and come back by 9 or 10pm - I had a long work week scheduled starting early the next morning. She got upset - I reminded her she was leaving very soon; again I pressed her to get her ticket changed. I did not feel like cooking. She never offered to cook or clean or anything after she ate the meals I prepared. At 4pm we went to Bill's BBQ in Wilson, NC, we ate and came back home by 6pm. It was a bad idea to go there, that was my mom's favorite place and I often brought her a "to go" tray from the buffet. But I was thinking the whole time I would never again be able to do that for my mom - that she was really gone. It seems so unreal. I felt even sadder than before and just

wanted to sit on the sofa and focus on the tv., not to talk about anything, but here she was - same old song again - let her stay - have a baby - work things out and constant interest in my mom's insurance policies and my mom's house. I did not even respond to her, just ignored her. It was becoming clear that she had no intention of leaving. I made up my mind if she was not gone by Wednesday I was going to take her to the airport pay for her ticket, place enough money in her hand for a hotel, if needed and food and leave her there - throw another \$2,000.00 down the drain. I did not tell her any of those thoughts. I wanted to avoid any more problems with her. The way she acted so crazy, I was afraid to tell her my plans, not knowing how she would react, and I still hoped she would get it taken care of with her estranged husband and leave on her own. For the rest of the night she continually tried to talk to me from time to time. I just ignored her and did not say anything in response. Little did I know she was communicating with her estranged husband and they had began to hatch a plan against me, instead of getting her ticket changed. So I go to sleep on the sofa in the living room and I do not know where she sleeps or when she goes to sleep.

Monday 9 June: I wake up at 7am, she is already dressed and sitting at the kitchen table drinking tea. I notice her mood has changed again. She is uncharacteristically quiet. No longer seems bored, focused on me, or trying to ask questions, or persuade me to let her stay, etc. I get dressed quickly and tell her I have to be at an apartment complex at 8am sharp - we get some biscuits to go and eat on the way. I get to the apartment complex office and begin to set up my equipment for work. At 8:30am, my Landlord calls and tells me the Zebulon police are looking for me, he gives me a number to call - I called, they said I need to come to my building right then or they would break the door down, that they were looking for this woman - I told them she was with me and I was on the way to come there. When I arrived at my building there is like (20) police there. They immediately took her from my truck. I asked them what is going on - they said if I did not open the door, so they could search the building they would break it down. I said I have nothing to hide - you can search all you like - but I need to get back to work soon. I left all my equipment at the job site and I have to have this job done by the end of the day. They said - just open the door. I knew I had done nothing wrong and had nothing to hide from the police. But I did not want the Landlord to know I was living there at my place of business - I had already had nothing but problems with him trying to micromanage what I was doing outside and inside the building. We had a simple (2) page lease, self-written, which said nothing about me not being able to have a small apartment there and live there. Why did I live there? Efficiency - I worked almost 7 days a week and cost savings about \$1,200.00 a month - not to mention the efficiency gained in productivity - anyway 100 years ago most small business owners lived at there place of business. (The problem stemmed from the city of Zebulon constantly complaining about what I had outside my building: machines, trucks, trailers, building materials, normal things that would be outside any building that was zoned for heavy industrial manufacturing, so the city of Zebulon, NC could not legally make me move thoe things inside or away from the property. But they could put pressure on my Landlord and they put a lot of pressure on him who in turn constantly put pressure on me. Fact is, the city of Zebulon did not want me there. The city of Zebulon had a big conflict with my Landlord over how the Landlord wanted to develop the property previous to my occupying the building which had nothing to do with me. So the Landlord wanted me there - for over (5) years I paid my rent always on time. Now Zebulon, being a small town, I am sure the police knew of this controversy over the items I had outside my leased warehouse. And the police all knew me from this and also before a company moved in the main 88,000 square foot building

beside me, the alarm was constantly going off and the police would come and since I was the only tenant on the property at that time they would talk to me. A few times I was busy and could not run and unlock the gate for them to come in so they would get mad about that. The gate was locked 50% of the time. I explained to them I was not the property caretaker, but a tenant paying rent. That did not matter to them. But because I did not run and unlock the gate everytime the fire alarm went off they treated me like I had broken the law. One time I said to the officer "if I was not here to open the gate how would you get in? So instead of being angry with me why not thank me for coming to open to gate? That would help develop good community relations." Well he got really angry then. So their disposition was one of blaming me for doing something wrong when I had not done anything wrong, in fact the opposite, I was helping them by opening the gate, even if I could not rush to the gate the way they wanted me to, still I always opened the gate and I saved them and the Landlord the hassle of the Landlord having to drive an hour or more just to unlock the gate while the police waited for the Landlord. So this is the 2nd conflict I had with Zebulon and their police department. Now the third conflict: I was involved in an auto accident in Raleigh, NC (a small fender bender) - the Raleigh police did not issue either party tickets - only filled out reports with our insurance information on it. I was not going to file a claim. It was my work truck trailer - bent fender which was easily removable - so I replace it, end of story - I thought. The police officer wrote down my insurance information on the reports - but it was wrong. I never noticed it - since I was not going to file a claim I never looked at the report. Well the other party's insurance company tried to file a claim on my insurance but could not so they ended up suing me in court. I knew nothing about any of this going on behind the scenes. Around that time I had moved and for some reason the notice of suit never made it to me. So (2) years after the fact I find out I was sued, that there is a judgement on my driving record and my driver's license has been revoked. Certainly I had auto insurance. So I had to hire an attorney to force my insurance to pay the claim. Which they finally did and then I get my driver's license back immediately - but - it took almost a year and during this time I could not stop driving otherwise I would have lost my business and everything so I had to keep driving - yes I tried to hire people to drive, but it never worked out and caused so many other problems. And I drove sometimes 200 miles a day. Since the Zebulon police knew who I was; during that year I did not have a license, they gave me multiple tickets. I had all the documents to prove the situation still they gave me tickets and most likely what made them mad was everytime I would go to court - my attorney would show the documents to the D.A. and everytime the D.A. would dismiss the charges without even going in front of the judge. Literally my attorney would approach the D.A. and within minutes we were walking out of the court room, charges dismissed. I am sure that made the Zebulon police mad and they all knew about it, because I received tickets from more than one officer. So it is easy to understand how they had a bias against me when they came to my building on Monday 9 June 2014). Still I trusted them to be fair and honest in dealing with me. Even though (2) of the officers (Finch and another one) were very nasty with me, still I was respectful and compliant as they searched my apartment and workshop.

So we come into my office - one officer is in front of me and 3 or 4 behind me. We walk through my office into my living room all the way to the exit doors on the other side of the building and I hear one of the officers (must have been the one that was behind me (Finch)) - I hear him yelling from inside my bedroom to the other officers. He had entered my bedroom from the other entrance. So the officer in front of me seems confused, I tell him to push on the wall to the

left and the wall/door will open. He did it and it opened into my bedroom/safe room. (Part of the wall was a door held closed by small magnets. In no way could someone be locked inside. That wall/door had a latch on the inside only to keep burglars that may break in from being able to push the door open and gain access to my bedroom while I slept. There were (2) entrances - the other was a 7' tall by 3' wide bookcase on wheels that easily slid out of the way and could not be locked from the inside or outside. The book case was not heavy and had no books on it. It easily rolled out of the way to gain full entry or exit in the event someone did break in I had (2) ways to get out if needed. And also for safety, in the event of a fire. All of this is clearly seen in the pictures the police took. As well, my brother had just stayed there and my friend Paul are both witness about these facts. Many people have a safe room in their house, especially with the rise in armed home invasion. No one knows people have these safe rooms because then it defeats the purpose if common knowledge of a secret, safe room is existant in your home it gives criminals an even greater desire to break in once they know there is a safe room since most people also hide their valuables there. My safe room/bedroom was not a "hole in the wall" as the Zebulon police state, but a fully functional, fully furnished bedroom, 12' x 14' with carpet, smooth painted walls, and nice moulding around doors and windows. A nice bedroom as would exist in any normal home. I had a bedroom as safe room for (2) reasons: (a) my building had been broken into many times before I moved in and someone tried to come in one night by breaking out my bedroom window where I was sleeping, and often the door handles at different entrances to my building would rattle at night. People checking to see if a door had been left unlocked, and I had a lot of stuff outside - often I would notice things moved or missing outside, once I left a whole set of new tires outside by mistake, the next morning they were gone - so criminals regularly patrolled the area. (b) The second reason I had a safe room/bedroom was I did not want the Landlord to know I was living there. It was clear no one could be locked inside the bedroom or the shower stall that also hidden behind a book case door that freely swung on hinges).

So the officer that is in front of me steps into the bedroom and I follow him - both officers begin to search, one opens the drawer beside my bed and finds one of my guns - He yells "we got a gun" as if there was something wrong. The guns I had were all legal, handed down in my family to me. So they immediately cuff me and take me into my living room and sit me on the sofa. I do not resist or complain. My goal was to get this over with so I could go back to work. So I am sitting on the sofa and I hear one officer yell "we better get a search warrant to cover us" then they continue to search and ten minutes later I hear an officer yell "we got the search warrant". At this point I want to say most of what the Zebulon police wrote in there reports was incorrect. Additionally, all (5) of the police reports done by the Zebulon police say basically all the same things. Yet the problem is how could they all say the same things when different police were in different locations inside my building and certainly witness different things in that all the officers were not present all the time. Yet all (5) reports are almost identical as if they had just all copied them from one report or collaborated together so their reports all matched. So another 10 minutes goes by then (2) officers approach me, one says "she told us everything so you might as well confess" "Did you strangle the woman?" I said yes, but before I could explain what happened on Thursday night the other officer jumps in holds up a bottle and says "is this the bottle you hit her with?" I said "I did not hit her with a bottle!" The officers quickly walked away before I could say anything else, about 10 minutes later they came back and said you are under arrest. I said "are you not going to let me

explain?" They said you can explain everything at the police station. I asked them why I was being arrested but they quickly walked away and did not answer me. Again I was trying to be very respectful to the police. I was cooperating and trusted them. A big mistake, only now I realize the police cannot be trusted. Everything was happening so fast and it was really a surreal experience and I knew I had not done anything to deserve the way I was being treated, so I trusted the justice system then - big mistake - to trust the police. In hindsight it is clear they were not interested in the truth but only to make me guilty. Since then I have come to understand there is a systematic disregard for people's basic rights to the point of hiding evidence, destroying evidence, fabricating evidence and outright lying by police. You might expect such deep and wide scale corruption in other countries but not in America. So after the whole experience my whole thinking has changed. I realize we need a major reform of the whole criminal justice system, and a rehabilitation of criminals instead only of a system of punishment and human warehousing of convicted criminals who themselves were often victims of some sort of abuse in their past life. So within 15 minutes they transport me to the police station, still no one has read my rights or told me what I was being arrested for. Back to the point of them asking if I "strangled" the alleged victim - when I said yes, and they would not allow me to explain the situation. Fact is I do not use the word "strangle" so I did not really understand what they actually meant by the word. I grew up poor in the rural south, we use the word "choke" to mean you are squeezing something to stop the flow i.e. air, water, etc. The word "strangle" is an unfamiliar word to me. If they had asked me did I "choke" her I would have said "no way." To me, "choke" is to squeeze to stop air flow - that is not what I did - as previously stated, I grabbed her around her neck, in the dark and in (2) seconds or less threw her off me as I stood up from the sofa. In reality it was basic self-defense especially since I was woken from a deep sleep and could not see well what was going on. I could only see a dim shadow of the person on top of me. Anyone with the history of break ins for that building, anyone would have reacted in a similar manner if someone jumps on top of you in the dead of night while you are in a deep sleep, what will you do but be very fearful and try to separate yourself from that person who is attacking you? So when the police approached me as I am sitting handcuffed on the sofa I did not understand the definition of the word "strangle" and they did not even allow me to explain or ask questions about what they meant.

So we arrive at the police station and they take me into the interview room. There is Scott Finch and a federal investigator with Homeland Security. Finch acts nice at first and says: "We just want to minimize what is going on here." I tell him I need to get back to work because I left all my equipment at the job site. He says ok sign this, this gives us the right to talk to you, I did not really know what I was signing; the only goal I had at that point was clearing up this misunderstanding and getting back to work. So the Federal Investigator says nothing, Finch does all the talking. Asking questions, which I freely answer - then he says did you rape her, force her to do oral sex? I said "No way". He starts yelling and asks the same questions - I tell him "no way". and I saw the interview video, all the yelling he did was somehow edited out. I tried to explain what was going on but they did not want to listen. They only wanted me to admit to what they were saying. Then I was taken into the office of another officer and for about an hour he talked about everything but what was going on. Finally he said "Ok, I am typing this up, what do you want to say?" So finally they let me explain what happened, I sign it, but I was not given a copy. Turns out later when my attorney requests it, it has disappeared. The Zebulon police say it does not exist. So 10 minutes

after I signed the statement, an officer took me to Wake County Jail. During the next few weeks while I was in jail my Landlord cancelled my lease and I had only 60 days to vacate the premises. 10,000 square feet packed and stacked with \$500,000.00 worth of industrial equipment: woodworking/metalworking machinery, forklifts, construction equipment, work trucks, etc., as well I had a 25 year plan of setting up a wooden chair manufacturing facility - so a lot of the equipment was also for that purpose. During this time of being in jail and the Landlord cancelling my lease I realized I had to sell everything very quickly. My friend, Paul agreed to help. Instead of being able to get a national internet auction company to do the auction, I could only get a local company involved. The large companies all wanted a court order to sell since I was in jail, even though the charges had nothing to do with these assets. So a local company did the auction - really a total loss. Everything was sold for scrap metal prices. The auction gross was only \$21,000. The auction company took \$5,000.00, my friend took \$11,000.00 for all his hours of work. So I end up with like five grand, not even enough to pay an attorney. I should have gotten a minimum \$200,000.00

Now about the \$20,000.00 cash the police took from my bank lock box: First, the reason I had \$20,000.00 in a lock box is not because I was doing anything illegal, I do not do illegal stuff. I had it there because I would go to auctions on short notice, sometimes I would see an auction online one afternoon and go to the auction the next day. My bank (Suntrust) never kept that much cash on hand. They would tell me they need 3 to 4 days to order it in. That did not fit my schedule so I started keeping some of my corporate money in the lock box so I could walk in at a moment's notice and get it. There was a clear paper trail from which this money was derived. Customer payment checks (stubs), bank deposit stubs, bank withdrawal stubs. Everything is clearly traceable and is easily seen that that is not anything illegal going on. And the prosecution does not allege proceeds were from illegal activity or used for unlawful purposes or that I had reckless disregard of the source of the funds. The problem was I told me friend Paul over the Wake County Jail phone and also in a letter I wrote him, to take the \$20,000 cash out of the safe deposit box and deposit it back into the corporate account from where it came so it could be used in this emergency situation. So he would not need to deal with filling out the bank forms, I told him to deposit \$9,800.00 on one day and \$9,700.00 on another day and keep \$500.00 for petty cash. I had no idea that this was illegal, nor was I trying to do anything illegal. I advised my friend Paul to do it this way since he is not a business person, has no experience with filling out these forms at the bank, to save him the trouble. He was helping me at a great disadvantage to himself, working long hours after his day job and ignoring his wife and newborn adopted baby. All to help me out. I knew my jail calls were being recorded and the police were listening to all my calls. Fact is at more than one Bank; over the previous years, (BB&T and Suntrust) I was told by more than (1) teller "if you do not want to fill out these forms then just keep your deposits under \$10,000.00 case on any one day" "that way you can be in and out of the bank quicker." As I thought about it, I understood they did not want the service lines to back up and people complain. So here it is, the banks you trust are telling you to break the law. And at the same time there is no input from the government letting you know some how, that this is illegal. I was shocked by this whole situation. The IRS already has a regular reporting system for taxable earnings. Even my attorney said they cannot keep the money, they must give it back - so even he did not know about this obscure and overbearing law. How can the DOJ allow law enforcement to take money on a small technicality when clearly there is no illegal activity going on? The law

allows law enforcement that took the money to use the money in their department to buy police equipment. The police are allowed to take your money - not file any charges against you and not required to give the money back. Sounds crazy, but this is the law. You must; at your own expense, hire an attorney and a certified accounting firm to attempt to prove you did not use the money nor was the money derived from illegal activity and then the U.S. Attorney still is not required to return the money - if you get the money returned it is clearly a discretionary decision of the U.S. Attorney. Most of the time the amount of money the police take has a value less than the cost to hire an attorney and accounting firm. Resultant: Free money for the police at the expense of primarily and otherwise law abiding small business owners trying to make a living and provide jobs to fellow citizens. According to this law by way of entrapment, technically I have become guilty. But is this really just, fair, and equitable for otherwise law abiding citizens? So my attorney then: Debra Newton, said that she talked to Steve West, the federal prosecutor, and he said that if we could prove the money was not earned illegally or used in any illegal activity that I could most likely get the money back. This was while I was still on state charges. But 10 months into my state case, the Fed's charged me with kidnapping and structuring of deposits connected to the aforementioned \$20,000.00 in my bank lockbox and all the state charges were dropped. So then I begin with new attorneys (Federal Public Defenders). I could not afford to pay \$60,000.00 or even \$10,000.00 at that point. So I began with court appointed Federal Public Defender Joseph Gilbert as my attorney and a Mr. Hall as the investigator working for the public defenders office on my case. I saw Mr. Gilbert once about every 8 weeks. I made it clear from the very beginning I was not guilty. The investigator, Mr. Hall, acted unprofessional from the beginning, often looking at me out of the corner of his eye. I met with him about every 3 or 4 weeks. He really was in general uncooperative and argumentative. He often was aloof, disinterested and seemed to ignore what I was saying. Important witnesses I told him about, he would make comments like: "Yeah, but how are we going to find those people." And I would say: "Well, is that not your job?" I gave Mr. Hall a list of about 50 character witnesses who had known me for 10 years or more. But he said who is going to talk to all those people. I said: "but isn't that what you do?" He did not say anything only looked at me like I was stupid. The overall mismanagement of my case is a very long story. But I will just hit some of the major points to give you an idea of what went on. When I first met with Mr. Gilbert he said the prosecution had unofficially mentioned offering me a plea deal for 25 years. From the very first meeting with Mr. Gilbert I made it clear I was not guilty and would not accept a plea, that we would have to go to trial. That I did not kidnap anyone, that I did not abuse or rape anyone, that this whole thing was an exaggeration and fabrication based on one woman's lies and the police's desire to build a case against me. Mr. Gilbert was my attorney for about 8 months during that time I saw him maybe 6 times and we only went over a very small portion of the evidence. I think he did not have enough time to devote to my case and he spent a lot of time explaining court rules instead of focusing on the evidence and there was a lot of evidence. At about 9 months in I finally decide to talk to him about the unprofessional manner in which; Ken Hall; the investigator, conducted himself. So I asked him: "Have you had any complaints about Ken Hall?" He paused for a minute and asked me: "So you think his heart is not in it?" I said "No I don't think so." He begins this long speech about how Mr. Hall is the best investigator they have. Later I found out he was the only investigator they had. Then I ask him if it would be good to have a female attorney on our team since the alleged victim is a female and the prosecutor is

a female. Wouldn't it be good if the jury also sees a female that is on my side. He assures me that there are paralegal females that will be in the courtroom on my side. He does not seem upset by my question and I was in no way asking for an attorney to replace Mr. Gilbert, but about 2 months later after I have not heard from anyone, one day (2) women show up to see me - Devon Donahue and her paralegal - she tells me she works for the Public Defender's office and that she is now my new attorney and Mr. Gilbert is no longer working on my case and Mr. Hall is still the investigator. The first thing I thought was how can they switch attorney's this late in the game. She says that since all the attorneys kind of work together she was already familiar with my case. Well in fact, the basic questions she asked me showed clearly she was not at all familiar with my case. She informed me that the trial would be in (2) months. I objected - stating that is not enough time to go over the evidence, to talk about everything, etc...when she was ready to end the meeting, I realized her attitude was not correct and that she really did not have my best interest in mind but was just shuffling cases around. As soon as she was finished talking to me she switched me off like a light bulb and had moved on to the next case before I could even leave the room. I immediately wrote a letter to the Department head of the Public Defender's office requesting a face to face meeting with him: Thomas P. McNamara. I sent it registered mail, certified, return receipt. I received the receipt at the jail yet I never heard from him or anyone from his office on my official request for a meeting. My goal was to discuss and voice my complaint and dissatisfaction on how my case was being handled. I guess he just ignored me, because most likely he knew what I was going to say. So with Ms. Donahue, I see her maybe (3) times in the next (2) months. Finally she says, "the trial will be at the end of March." I keep telling her we need to go over the evidence - each time she comes, I point out to her major problems with the evidence against me. She always brushes me off and says - "we do not have time to discuss that, or that does not matter" - Finally she sets a date for us to go over the evidence, I tell her "(1) day is not enough" - she says "there is not enough time left". I tell her "to move the trial date out"; she says "she cannot do that." I ask why. She says "I will not be there after a certain date, that she is quitting due to personal problems in her family and no one else knows the case." Anyway the day before she is to arrive for us to go over the evidence (like Feb. 26 or 27) Ken Hall arrives and says, "Ms. Donahue wanted me to come and deliver to you this written plea agreement. He said: "bad weather prevented her from coming, but she wants you to call her." So we talk the Franklin County Jail C.O. into letting me use the phone. She gets on the line and I ask her "what is the big rush? I have been sitting in jail for 1.5 years and now we have to rush and talk about my case over the phone" - she says "well we have this plea." I tell her "I am not signing any plea - I am not guilty," then she says "is this a private phone?" I said "it is the jail phone" - she said "oh no - we cannot talk about this over this phone." This whole situation was strange. I never understood what the big rush was. Except that they wanted to put maximum pressure on me to plead guilty. By the way, what Ken Hall did that day is what he did half the time - an errand boy, just delivering paper work or picking up something from me, such as my cell phone or some written things I had concerning my case for the attorney. So there was a superseding indictment: They charged me with "international prostitution" and "interstate domestic violence". Mr. Hall said that the new indictment was not ready yet, but already there was a plea - with the previous kidnapping charge and the international prostitution dismissed and they wanted me to plead guilty to the previous charge of "structuring deposits" and the new charge of "interstate domestic violence". So M^s. Donahue arrived

the next day and put maximum pressure on me to sign. She said, "if you do not sign you will die in prison. Rules of the Federal judicial system are stacked in the government's favor. Technically you will be found guilty of international prostitution. You paid for this woman's ticket. She came to meet you, and you two had sex. That meets the criteria of being guilty for international prostitution. It does not matter you were discussing marriage/family/etc. The judge will instruct the jury that if you have met the criteria for the crime the jury must find you guilty of the crime. And that sentence is 20 years. Also you are guilty of structuring deposits that sentence is 5 years so the minimum you would receive at trial would be 25 years and possibly more and if by some means the prosecution manages to persuade the jury to find you guilty of kidnapping, those little old ladies on the jury will not listen to the evidence, they will automatically think you are guilty because you are a man and the alleged victim is a woman. And since you have Chron's disease, prison is the last place you want to die. You will not get proper medical treatment. But if you sign this plea you can at least live the last part of your life free. If you are found guilty - you will get the maximum sentences because you have Judge Devers. They call him "Forever Devers" because he always gives maximum sentences - so you would receive life plus 25 to 30 years and in the Feds - Life is life - you leave in a cardboard box from prison after you die. And she said "the best thing about this plea is you will not have to register as a sex offender." I objected to the whole thing. This whole thing has been blown way out of proportion and now you want me to sign away 10 years of my life - she said: "You would for sure receive the maximum for these (2) charges, (5) years each and they would run back to back." I kept pointing out that I was not guilty, that this whole thing was a simple case of self-defense blown out of proportion. She said, yelling at me, "you grabbed her and threw her on the ground - that is violence - you are guilty. Sign the plea!" Overbearing coercive force applied and I know I would not receive a fair trial since the people who were representing me were not even then doing a good job, nor had anyone of the attorneys/investigator seemed to show a level of concern or professionalism from the very beginning. I got the impression after every meeting with anyone from the Federal Public Defender's office that they were really too busy, were only going to do so much, and did not care how serious the charges were or if I was guilty or not - like they were on auto pilot, just going through the motions. So we read over the plea, she rushed through it and skips over parts. By this time my mouth is dry, my throat is tight, and I feel dizzy. I try to object to what is in the plea - at one point she yells again: "you are guilty - you committed violence against this woman! Sign the plea!" I reiterate that it was self-defense. She says "no one is going to believe that. According to the rules in Federal court, by which the judge will instruct the jury on what constitutes guilt, no matter how the members of the jury think, they must follow the rules and they will find you guilty and you will die in prison." I say - "but this is not justice, this is a prejudice system." She says "this is the way it is, nothing you can do about it." Even though I know I am not guilty of these things this woman has said I did to her, I feel I am forced against my will to sign the plea of guilt. I did not attack her, she jumped on top of me in the middle of the night while I was asleep and I was defending myself against an unknown threat, but the way the attorney explains it, I even start to think I am guilty. I am now really in a state of confusion, so I tell her to let me think about it over night maybe I will agree to sign. I said if I sign can I get all the stuff back that they took? She said not the \$20,000.00 but the other items, certainly. The next day she arrived with another attorney. Again we went over the plea, but again large areas were

skipped over as she went through the plea, The other attorney said: - "if you go to trial they will split the baby" meaning they would find me guilty of something and of the (4) charges - "splitting the baby" I would most likely get at least 30 years, which for you at 47 would still be a life sentence. And if somehow they convicted you only on the kidnapping they will carry you out of prison in a pine box." What could I do but sign - I had no hope of ever leaving prison unless I agreed to plead guilty to something I did not do? I felt like I was trapped, so I agreed to sign. After that things only got worse. When the PSR is ready Ms. Donahue goes over it with me. All lies! I told her, "they have to remove all these false statements this woman has made. They are not proven to be true, in fact, the evidence proves that what she is saying is not true." She says, "ok, I will record that you object." I objected to the alleged victims statements, to the restitution she was claiming and to the way the report was written to make me look like a monster. So then the report comes back a second time from the probation officer and essentially it was the same report. I asked my attorney what can we do. She said "nothing now, there is no time left to send it back to probation officer and anyway he mostly will not change anything - we will just have to argue in front of the judge." I said: "this is crazy. This whole thing is one-sided and wrong." She said, "this is just the way the process works." I said, "And how can the judge even make an informed, just decision, when only false information that is put forth by the prosecution is allowed in the report, the report, that the judge uses to base all his decisions on?" She said: "you are getting 10 years anyway." So we go to the sentencing hearing. I meet briefly with Ms. Donahue before we go into the court room and I tell her my objections and that I am relying on her to defend me correctly. At the end of the conversation I say "as far as the restitution could you mention to the judge that I lost $\frac{1}{2}$ million dollars in assets and that I now owe more than I have - basically broke and that would be a reason not to impose such a large resititution?" She zones out for over a minute. I say "What do you think?", she said, "I had not thought of that." I said "ok, think about it." She seemed upset and distracted, and kind of sad so in an effort to encourage her I tell her, "I hope things improve in your marriage." She says, "oh that is not why I am leaving the job." She says "I cannot be a mom and an attorney." So I understood everything in that moment as to why she did not do a good job on my case and as I describe what happened in court it all becomes very clear. So we are in court and it is clear she is completely unprepared to even speak clearly. She fumbles and stumbles and studders over her words. And the judge at one point yells and tells her to "shut up, this is his court room". She was not rude but very polite to the Honorable Judge Devers. The restitution: there were no documents what so ever to prove any of the losses the alleged victim was claiming. And then it turns out that this woman, the alleged victim, had suffered a life time of abuse: first from her father and then from her current estranged, homosexual husband. These documents were only presented at my sentencing hearing and only then did I learn of her lifetime of prior abuse. The documents that the alleged victim supplied were her psychiatric evaluation but she did not give all the pages to the prosecution since some had her husband's name and father's name on them. Still it was clear to see that (4) days she was with, not only did I not abuse her, nor did not cause her psychiatric problems. Nor could I be responsible for her previous life of abuse. And then I understood why she acted so crazy with me. I had no idea about any of this, she never told me about anything - only that her estranged husband was homosexual, but not that he was being abusive to her throughout her marriage. The point is how can I be responsible for all of her prior abuse. The judge says I accepted her "assise", but I did not accept

her "assise". (a) She was coming for a visit, not to live with me permanently and (b) how can I accept something I did not know about?

When the judge read out loud the false statements from the PSR my attorney did not even object as she said she would do. She only raised the issue of the restitution. And then the prosecution also made false statements, again my attorney did not object. I was trapped, what could I do? The judge; after reading the PSR, said: "I find you guilty of rape, kidnapping, that you are a mentally deranged psychopath that deserves to spend the rest of his life in prison. If I could, I would confine you the rest of your life." All of that from a few pages he has read that is full of lies. This cannot be called justice, but this is the system we have. But wait, I plead guilty to "structuring deposits" and "domestic violence". How is this being amplified into kidnapping and rape? I was not on trial for those things - yet the judge found me guilty of both counts and then begins to impose penalties based on his findings of guilt based on false statements in the PSR of which I had emphatically objected to and no evidence presented on my behalf to refute these false statements. It is almost like the twilight zone, and my attorney performed so poorly, I left the courtroom thinking somehow this is not real. So I guess Ms. Donahue leaves the job, they assign me a new attorney from the public defender's office, Jennifer C. Leisten and she is the one that begins to handle the appeal. In our first conversation I voice my opinion about how everything transpired. And give her many details. She says most likely I would receive a judgement of ineffective counsel, the convictions for the plea would be overturned and the whole process would start again. That the prosecution would recharge me with the same crimes,(4) original, and possibly new crimes as a punishment for challenging the process and also I would most likely end up having to plead guilty to more crimes and receive a much bigger sentence of 30 to 60 years. I asked her, "how could that be." She said, "this is how it works - you challenge your plea and you are really challenging the whole system and they will not take kindly to that, but if that is what you want to do, that is what we will do." She was very nice. I spoke with her about 5 or 6 times over the phone during a (2) month period - during this time she told me that there may be a conflict of interest for her to continue to represent me since she and Ms. Donahue both worked for the same office even though Ms. Donahue no longer worked there. Then they assigned Charles M. Henter as my appeal attorney. I spoke with him once and he basically told me the same thing Ms. Leisten had said, "that if I challenge the system, the end result might well be that I would end up with a much longer sentence." But he did not want to talk about that type of appeal. We talked for 1.25 hour and 80% of the time he was talking and not listening to what I was saying. I even talked to other inmates and they also voiced the opinion that challenging my case I could easily be punished by the prosecution for exercising my right to appeal. A very few inmates told me "they can't do that, give you more time on appeal." But I had already lived through much of the corruption of a defective system, and knew full well that they could and had already enacted upon my person a systematic deceptory and unjust prosecution. And again, in this situation as related to my appeal I again felt a duress of menace and the pressure of coercion not to pursue my appeal. So ultimately I did not pursue an appeal for fear of realiation from the prosecution.

In conclusion, after closely analyzing all the alleged victims body language and facial expressions, I realized in her attempt to perpetrate a financial scam against my person, as she interacted with me, and then subsequently with police, she was tapping into her emotional memory and with a loosely contrived plan was applying improvisation. Translating and transferring her

previous emotional memory of abuse from her father and estranged homosexual husband and projecting it on to me, as if I had abused her. From her subjective mind she morphs her emotional memory to objective real life. A type of fantasy wherein she possibly even believes the lies she is telling about me as true. The alleged victims acting skills combined with the application of her emotional memory made her story very believable such that the police with prejudicially biased vindictiveness of unprofessional animosity against my person, easily accepted her story at face value, ignoring the evidence as she transferred all her emotional memory of past abuse on to me. Adlibbing the current situation she found herself in when I refused to cooperate with her predatory plan of somehow coercing me into getting her pregnant, so she could fulfill her plan of latching into me as a financial anchor and pathway to citizenship in USA. Well apparently after she returned to Germany; based on the abuse she suffered from her father and from her estranged husband and from the alleged abuse from me, she was then approved to receive "70% disability" payments from the German government. So I guess she was partly successful in using me to gain a financial anchor. Even if her whole situation with me was only a well played bunch of lies. But she did accomplish one thing - she destroyed my life.

The thing about composing a storyline on the fly, even though it may be very convincing in the moments the actor is displaying very realistic manifestations from their emotional memory, unless they have an extremely good memory, they usually cannot follow the same story line repeatedly over a long duration of time. Thus their lies begin to surface and betray the truth that they are in fact making things up as they go along, even though very convincing in the moment. And this repeatedly happened - the police and the prosecution ignored all the glaring evidence in their enthusiastic desire to make me guilty. Quite in fact this scam that the alleged victim attempted to perpetrate on me could have just been a repeat, myself being just one among others that were taken advantage of. Quite possibly her estranged husband, may not have actually been "estranged", but a full participant and/or the mastermind of the whole operation. If this is the case, quite in fact, there could well yet exist uncovered evidence to this theory. When I proposed this possibility to Mr. Hall, the Federal investigator working for the Federal Public Defender's office, he said "What? What are you talking about?" I said, "it would be good to investigate this alleged victims past." He said: "We do not have the resources to do that, anyway I don't think it is true." Well my first attorney I had while still on state charges in North Carolina, also thought this might be the case, the private investigator working for this attorney had begun that investigation, then I was charged by the FBI and my state charges were dropped and I then changed over to a Federal Public Defender. Behavior is communication yet the whole professional criminal justice system ignored the totality of the alleged victims behavior and selectively cherry picked what fit their story line they used to attempt to make me guilty. A sad suppression of facts was actuated against my person. The truth can definitely be suppressed in unrighteousness, but the truth definitely cannot be suppressed forever. And woe unto those that suppress the truth in unrighteousness, using righteousness as a cloak for an exacting execution of a supposed, contrived justice.

Case No. 1:20-cv-05544-NLH
11/11/2020

Case Update: Supplemental Addendum #14.g.(1)

U.S. v. Robert Edward Whiteside

Case # 5:15-cr-00126

Update: Commentary List: Major evidential points of undeniable and verifiable fact.

- (a) subtle, yet glaring deceptions / omissions
- (b) gross evidential inaccuracies
- (c) corrupt police collusion, destruction/fabrication of evidence
- (d) outright malignant lies
- (e) prejudicial police biased vindictiveness of unprofessional animosity against my person
- (f) Both subtle and brazenly blatant coercion by the public defender's office.

Point #1: The Zebulon, North Carolina police had biased vindictive prejudice of unprofessional animosity against my person. There were no less than (3) major points of contention with the City of Zebulon and the Zebulon Police Department:

(a) Zoning dispute over industrial equipment and supplies I had outside my place of business. These were normal things that would be outside a building zoned for heavy industrial manufacturing, so the city of Zebulon, NC could not legally force me to move these things inside my building or away from the property. Over a period of (5) years while I occupied the building they continually tried to put pressure on me, by putting pressure on my landlord. My landlord had purchased this property with the plan to use it for a certain purpose, but the city of Zebulon would not allow my landlord to develop the property as he wanted. So my landlord began to lease it as is, to be occupied in the manner the property had always been used for: heavy industrial manufacturing. Long story short the city of Zebulon did not want me there, or anyone that would do anything they saw as an "eye sore" to their community. They really did not want it used for heavy industrial manufacturing. Yet the landlord bought the property zoned as such. And the City of Zebulon would not change the zoning so the landlord could use the property for scrap metal recycling facility. Well, I was in the middle of this conflict. And as a small business owner I really did not need to be harassed by the City of Zebulon, yet they tried every way they could to force me to move, including putting a lot of

pressure on the landlord who in turn put constant pressure on me.

(b) Dispute with the Zebulon, North Carolina Police Department: When I first moved in the 10,000 square foot building I leased from the landlord, there was a problem with the fire alarm in another unoccupied 88,000 square foot building located on the same property. The fire alarm would malfunction often. No fire, but the alarm was very loud. The Zebulon Police would arrive, and since I was the only person on the property at that time they would talk to me. During that time before the other buildings on the 25 acre industrial facility were leased, I kept the gate locked 50% of the time. A few times when the alarm sounded I was in the middle of a timed glue up process or in a tyvek suit in the middle of spraying time-sensitive finish on a bathtub, or some other metal fixture, and could not immediately drop/stop what I was doing, and get in my truck, drive to the gate, and unlock the gate. So the police officer would get mad at me for not quickly running to unlock the gate for what amounted to a false alarm. I explained to the officers that would arrive, that in fact I was not the caretaker of the property, but a leasee paying rent and a small business owner trying to be profitable and gain a return on my investment. That did not matter to them, but because I did not immediately run to unlock the gate every time the fire alarm sounded they treated me as if I had committed a crime. This went on for about 8-10 months. Truly it was the landlord's responsibility to have the problem fixed. Once I told the officer who was so angry at me: "If I was not here to open the gate how would you ever get in? Instead of being angry with me why not thank me for coming to open the gate? That would help develop good community relations." Well he got even angrier. I had not done anything wrong, it was not my responsibility to open the gate. The opposite of doing something wrong, I was helping them by constantly stopping the work I was doing and opening the gate for them, even if I could not rush to the gate everytime, of the many, many times the false alarm sounded. Still I saved the police department having to get the fire department to cut the lock and multiple reports having to be filed, etc. And saved the landlord a 45 minute one-way trip to come out to the property. In reality their grievance was with the person of responsibility, the owner of the property, who should have had the problem fixed many months prior to all the police visits to the property each time the false alarm sounded. Yet here I was caught up in the middle of their conflict.

(c) For about (1) year I had another continual conflict with the Zebulon

Police Department over my North Carolina Driver's License. At no fault of my own, I did not have a North Carolina Driver's License for the period of about (1) year. I was involved in a minor, no-fault accident in Raleigh, NC (a small fenderbender). The Raleigh Police did not issue either party citations. The police officer only filled out a report listing our names and contact information / our insurance information. I was not going to file a claim. It was my work truck trailer - bent fender which was easily removable and replacable-\$200 - so I replaced it myself. End of story - I thought. The police officer wrote down the wrong insurance information on the report. I never noticed it since I was not going to file a claim and was busy working. I never again looked at the form the Raleigh Police filled out. Well the other party's insurance company tried to file a claim on my insurance but could not, so they ended up suing me in court. I knew nothing about any of this going on behind the scenes. Also around that time I had moved and for some reason I never received the notice of legal action against me. So (2) years after the fact, I find out I was sued, that there was a judgement on my driving record and my driver's license had been indefinitely revoked. Well, certainly I had auto insurance as well as other business insurance. So now at that point the litigation over who was responsible for the accident was past history. So now I had to hire an attorney to force my insurance company that had coverage on my vehicle at the time of this accident to pay the claim/judgement. That insurance company finally paid the claim of judgement against my driving record. I did immediately have my driver's license restored, but the point is, it took almost a year and during this time period I could not stop driving otherwise I would lose my business and everything, so I had to keep driving. Yes, I did hire people to drive for me, but people are so unreliable, it caused so many problems, and never worked out. I drove about 200 miles a day departing from my apartment/workshop in Zebulon, NC and returning each night to the same location. Since the Zebulon Police knew who I was from the (2) previous aforementioned conflicts I had with the City of Zebulon/Zebulon Police Department. During that year I did not have a license, the Zebulon Police gave me multiple tickets. I had all the documents neatly organized in a ring binder I kept in my work truck to prove the real reason my driver's license was revoked. And the fact is I only drove for work. I even got my groceries during work hours. Still many times I received citations from multiple different Zebulon Police officers. Once I was stopped by a North Carolina State Trooper, he viewed my documents and

did not issue me a citation, but the Zebulon Police always did issued me a citation. The police - City of Zebulon already had vindictive animosity against my person in that they saw my business being located within the city limits as a public nuisance even though the zoning allowed me to legally operate my business as other businesses had done in that location. As well there were all the problems with the fire alarm/Zebulon police. But here is what I believe made them more prejudicially biased towards me. Everytime the Zebulon Police gave me a citation for driving without a license, I would go to traffic court and whichever Zebulon police officer that had given me the ticket would be seated in the court and witnesses every time as my attorney would show my documents to the District Attorney and every time the DA would dismiss the charges without ever having to go in front of the judge. Literally within minutes of my attorney talking to the DA, I would be walking out of the court, charges dismissed. I am sure this made the Zebulon Police angry. But the North Carolina D.A. had seen the validity of my unfortunate situation not having a driver's license at no fault of my own. So the Zebulon police were well aware of who I was and the results of the citations they had written. So in their prejudicial mind, even though the D.A. did not think I should be punished, the Zebulon Police with unprofessional animosity decided they would punish me themselves by tainting and corrupting the evidence of my case making it impossible to receive a fair trial, trapping me in a no win situation helping to force me into pleading guilty to something I did not do. Basically my whole case related to international domestic violence was foundationally and primarily constructed by the corrupt collusion of the Zebulon Police Department. The Feds only came along and assimilated this corrupt, false evidence into their investigation where in the alleged victim thereafter used more elaborate lies to build on the previous lies. The problem is police in general have unlimited power as attested to in multiple publicly corrupt scenarios where in they over step the boundaries of the law themselves, even killing citizens which amounts to murder. Shooting people in the back as they are running away from the police and are clearly not a threat. Or a police officer holding his knee on a person's neck while the person is clearly stating he can not breath, all the while other police officers are standing by and witnessing a murder. Thus this type of corrupt power is evident also in my case, where in the Zebulon police were all complicit in conspiratorially murdering the prosperity of my life, and causing me not only to be imprisoned for a (10) year sentence but more over, causing me to lose

\$500,000.00 in assets that took 25 years of hard physical labor to gain. Additionally, being in prison for 8.5 years I have lost over 1.6 million in income that I would have earned had I not been falsely, corruptly imprisoned. As well, my reputation is ruined, such that running a business and retaining customers, which has a lot to do with public perception will be problematic at best, if not impossible. As well I am now a convicted felon, who must register as a sex offender. And even the changes of getting a good job working for someone else, regardless of my high skill level, will also be very problematic. All of this from corrupt police with absolute power to ruin people's lives. And it is a clear unequivocally undeniable fact when human beings have absolute power it often corrupts them absolutely, and that more so, and too often in these small towns wherein there often exists a "good ole boy" club as there did among the Zebulon Police Department.

These pre-existent, unresolved and yet supposedly unrelated conflicts with the City of Zebulon/ Police Department clearly, undeniably, unequivocally established a prejudicial predisposition of biased unprofessional animosity and vindictiveness that subsequently resulted in the case of my present imprisonment resultant of Zebulon Police officers discriminatory violations of my constitutional civil rights as well as breaking multiple other laws. The resultant being multiple Zebulon Police officers were complicit in (a) subtle, yet glaring deceptions/omissions of evidence, (b) gross evidential inaccuracies, (c) corrupt police collusion: suppression, destruction, fabrication of evidence, (d) outright malignant lies, (e) prejudicial police biased vindictiveness of unprofessional animosity against my person, such that all of this corruption was packaged and used in the presentation of supposed righteous evidence which was used against me by the federal prosecution to force me into pleading guilty to something I did not do.

Point #2: There are lies in the (5) statements that (5) Zebulon police officers place forth as part of the official record.

Point #3: Of these (5) Zebulon police statements, every one of them have the same basic statements. That is an absolute impossibility seeing that all of these officers were not present at the same time, at the same locations; absolutely impossible that all (5) of these individual statements match, unless of course (4) officers copied the statements of one of the officers or otherwise entered into a conspired collaboration to be sure; in their prejudicial biased vindictiveness of unprofessional animosity against my person, that I would be

"framed" as being guilty. Of course they corruptly desired their statements to all match, otherwise the truth would have been revealed in there true and conflicting statements which would have significantly weakened the case against me, and that would defeat their corrupt retaliatory desire against my person to make me guilty and settle the "score" with me.

Point #4: Zebulon Police malignantly lie about how they obtained a search warrant. They state that after they begin to search my apartment, they vacate the premises, physically send someone to get a search warrant, and only after that, do they then reenter the building and resume the search. So they want us to believe: That myself, being in handcuffs already, that they then also removed me from my apartment also? And where did they place me while I was in handcuffs, my hands handcuffed behind my back. This is the city of Zebulon - the closest court is Raleigh, NC, Wake County, even in good traffic that would require a 30 minute one-way drive to make it into downtown Raleigh where the courthouse is located - then the time to gain an audience with the judge - 10 minutes - 20 minutes? Easily 1.5 hours or more are required while supposedly, according to their corrupt series of events where in I would have been held in handcuffs and all police officers waiting outside my apartment. It is not hard to see the fallacy of their statements. What really happened: I was sitting on the sofa about 5 minutes after they had discovered my legally owned gun in the drawer beside my bed. I heard someone yell: "We better get a search warrant to cover ourselves" as I continued to set handcuffed on my sofa, all the police continued to buzz around my apartment searching, then 10 minutes later I hear someone yell "We got the search warrant." So all (5) of the Zebulon police clearly and malignantly lie in their statements.

Point #5: During my videotaped interview which I freely agreed to do, the Zebulon police officer, Finch, attempts to force me into confessing to things I did not do, very aggressively yelling at me using degrading profane speech. Yet, when I view that police interview 1.5 years later, while still in jail, it clearly has been edited out. They edited out the coercion from my interview video - but did not edit the same type of forceful coercion exhibited by officer Finch, from the alleged victim's video where Mr. Finch attempts to also force the alleged victim to agree with what he was saying, of which she clearly refuses. Prosecuting attorney for the State of North Carolina told my attorney that Mr. Finch had so corrupted the interview with the alleged victim that it could not be used in court. So it is evident to see Finch's corrupt procedures

in attempting to force the alleged victim to agree to lies. Said corrupt coercion was also used in my police interview. Finch so corrupted the interview with the alleged victim, they could not edit it out, as they did with my interview.

Point #6: Zebulon police state that all the windows in my building were blacked out - complete lie - Fact is: the pictures the police took of the interior of my office and apartment clearly show no less than (16) windows in which sunlight is coming through normal windows with normal blinds neither black out or blocked out.

Point #7: Zebulon Police state that the doors in my building were welded shut - complete lie - Fact is: There were security bars across the 4 main entry doors to my office and apartment. These security bars were neither welded in place nor could they be locked in place in any way, but these security bars were only sitting across the doors held in place by gravity only, easily removable by lifting straight up with one hand. The bar weight was only 3 pounds max. A small child could remove these security bars, of which my friend Paul is a witness having gone in and out of the building over a (6) month period after I was arrested.

Point #8: Zebulon police state I lived in a makeshift apartment - complete lie - Fact is: This was a professionally constructed apartment. If you were inside my bedroom, living room, kitchen you could not see it to be any different from any other apartment as the pictures that the police took clearly show: a normal bedroom, normal closets, normal bedroom furniture, normal closets that could not be locked from the inside or outside. Normal kitchen, normal cabinets, normal refrigerator, pictures on the walls. My bedroom/saferoom: many people have safe rooms in their homes and it is often the room they sleep in for the very reason if someone breaks in; in the middle of the night, the homeowner will not be awakened to criminals standing over them with a gun sticking in their face. No one could be locked in my bedroom/saferoom in any way. My brother who just slept there in that same bedroom one week earlier and my friend, Paul, who was in and out of my building over a (6) month period after I was arrested. He packed up and moved out all my personal items that were in my apartment and office. They both can attest to the fact that no one could be locked in my bedroom. But did the public defender's office that represented me ever interview them? No, they did not. My saferoom / bedroom was insulated very well for noise reduction keeping me awake at night. At the plastics

factory not 200 feet from my bedroom windows, they loaded trucks all night, a very loud process of forklifts moving in and out of the back of transfer trailers across a metal bridge - that slammed against the truck floor each time the forklift entered the back of the truck. Also my other neighbor (Jeff), he and the guys that worked with him often worked all night beating and banging on metal and his building was even closer to my bedroom windows than the plastics factory loading dock. I also wore foam earplugs every night while sleeping. Paul is a witness to this fact. I often complained to him about the noise and my subsequent difficulty sleeping. And what do we see in the pictures the police took? On the night stand, on the side of the bed where I normally slept lays yellow foam ear plugs. And in the other picture of the same night stand with the drawer open what do we see? More yellow foam ear plugs. This was a normal bedroom, not a place to hold someone, normal apartment, professionally constructed not "makeshift". And why did I have an apartment there? Same reasons people lived at their business 100 years ago; convenience, efficiency, cost-savings, protection of business assets contained in the building. And since I lived there alone I did not have to please anyone ~~but~~ myself. Even with the initial investment to construct the apartment, at \$1,000.00 a month saving versus renting an apartment, over the years a huge cost-saving is realized.

Point #9: Zebulon Police state that I tried to direct attention away from my bedroom / saferoom - complete lie - And how could I hide my bedroom when I have freely allowed them to search and the alleged victim had been sleeping in my bedroom for 4 nights? If I was trying to hide anything from the police I would have refused to agree to allow them to search. Fact is: I did not try to hide anything from the police - I cooperated fully to the extent I allowed them to take advantage of me. Fact is: I am the one that told the officer that was in front of me where and how to push on the wall to his left so the door would open entering into by bedroom.

Point #10: Zebulon Police state that I admit to hitting the alleged victim on the head with a bottle - complete lie - Fact is: I never hit, nor did I ever say I hit her with a bottle, or anything else. And where is the physical damage to the alleged victim? It does not exist because it never happened. All the water bottles in my apartment were 16" tall thick glass bottle. Even a strike of very light force would leave a bruise / knot, and with any strike more than a light tap would result in a fractured skull / blood, etc. Yet there is no evidence of any damage what so ever, to the alleged victim. Another malignant

lie by the Zebulon police.

Point #11: Zebulon Police: destruction of evidence / lie to cover their illegal activity: My statement that I made and signed at the Zebulon Police Department mysteriously disappears from the computer system. Not possible unless someone intentionally deletes it. And where are the printed hard copies that should accompany my other documents? Police prejudice and biased vindictiveness of unprofessional animosity against my person results in intentional tampering with and destruction of evidence by the Zebulon Police Department. And here is what proves this signed statement once existed:

Zebulon Police state that I never told them the alleged victim slapped me - complete lie - Not only did I tell the Zebulon police officer that typed my statement, I read it, and signed it. It was clearly printed on the statement the truth of the only physical altercation that transpired between the alleged victim and myself which was in reality an act of self-defense, which the Zebulon police could not allow into the evidence - the statement clearly indicated that the alleged victim; on the second night she was at my apartment, while I was in a deep sleep, she attacked me, jumping on top of me in the middle of the night, in an angry rage, slapping me and yelling: "What is wrong with you? Another man that does not want to have sex with me" waking me from a deep sleep. I react in confusion and fear and not knowing who was attacking me, I grab the person around the neck, my leg coming up between the alleged victims legs - I quickly stand up throwing the person off me 2 seconds was the amount of time my hands were around the attackers neck. I only fully realize that it is actually she that had attacked me after I run and turn on the light. Up until that point I never told any police officer that she had slapped me after jumping on top of me while I slept. They only gave me a chance to tell what actually happened right before they took me to Wake County Jail. And here is what reveals their deception and destruction of evidence. If my written statement never existed, if the aforementioned information was not printed in my statement then where did one of the federal investigators get this exact question with this exact wording? "Did you slap Whiteside?" My evidence contains this interview with this exact question this federal investigator asked the alleged victim. The only place that federal investigator could have gotten that exact question - that formulation of those exact words, with the keyword "slap", was from my signed statement that once existed but was later subsequently destroyed by the Zebulon police. This federal investigator never talked to me and while I was at

the Zebulon police department they were not interested in the truth. Nor did I ever tell that detail to any of my defense team, because only at the end just before the trial date did Ms. Donahue allow one day for me to go over this evidence with her and at no point after being at the Zebulon Police Department did I talk to another police officer / investigator from any agency.

Point #12: Zebulon police ignore / failure to acknowledge irrefutable facts that prove my innocence: A glaring fact of evidence that the police conveniently ignores is the fact that the Zebulon police that searched my bedroom, opened the drawer beside my bed and found my loaded pistol. Yeah, he found it and where did he find it? Beside the bed where she slept there was a loaded gun within inches of her bed. What person supposedly kidnaps someone, supposedly abuses them, supposedly beats them severely and supposedly locks them in a room with a loaded gun or even allows them in any manner or situation, access to a loaded gun? What person leaves a loaded gun in an ununlockable drawer beside the bed where the alleged victim slept night after night while the person kidnapping and abusing them sleeps in a completely other room? The alleged victim clearly states that she slept in my bedroom and I slept on the sofa in my living room. Now if I am kidnapping someone and abusing them such that as the alleged victim states she "feared for her life", then where would you expect to find this loaded gun? Most likely it would be near or in the sofa where I slept, but certainly it would never be found in an ununlockable drawer directly beside the bed where someone that is being held against their will and physically abused and feared for their life was sleeping night after night. The Zebulon police pictures clearly show where this gun was found by the police officer. And by her own police statements, she said she slept in the bed alone and she states that I always slept in the living room on the sofa. Another point, and in none of her statements does she ever mention a gun, or that I used a gun to hold her against her will. Why? Because that gun never left that drawer the whole time she was at my apartment. She never even saw that gun or had any knowledge that gun was in an unlocked drawer just inches from her reach. Now, if I am being kidnapped, beaten severely, sexually abused, if I am fearful I am going to be killed, locked in a room, would I not search the whole room for a way to escape, something, anything I can use to escape??? Yet by her own omission, of even mentioning anything about a gun, she indirectly exposes all her lies, and renders the whole case against me as null and void. The fact is: This woman was not being kidnapped, not being raped, not being abused or otherwise injured in

in any way! If she was afraid for her life as her malignant lies attest that she was, afraid of being killed as she stated in multiple police statements, she could have easily shot me as I slept or if she was locked in my bedroom - shot me when I opened the door. She already had displayed enough courage and anger because I would not agree to get her pregnant - that in the middle of the night on the second night she was there, she attacked me in the middle of the night while I was asleep on the sofa, jumping on top of me in a violent rage and slapping me. She could have easily used that gun against me.

Fact is, she was not searching or desiring to escape - because there was nothing to escape from, there was nothing wrong happening to her. The person that needed to escape was me. I am the one that needed to escape from her and her predatory plan to use me at all cost for her own personal gain. Fact is, she was trying to stay at least long enough to gain a financial advantage over me.

Point #13: Police never made any attempt to investigate this woman and her estranged husband to see if there could even be the possibility that she/he were involved in previous criminal activity or possibly even a similar scam as the one that she/he attempted to perpetrate on me.

Point #14: Because of the Zebulon police's prejudice, biased vindictiveness and unprofessional animosity directed against my person they were so zealous to make me guilty at all costs that they lead the alleged victim in her video interview by feeding her what they wanted her to say. Trying to force her to agree to what they are saying. It is clear to see through the entire interview she is resisting but they overpower her, telling her that "I am a monster that needs to be locked away for the rest of my life." As they try to get her to agree with their questions and statements, she resists, and then agrees and then disagrees, then at the very end of the video interview the last thing she says is "Rob is a very good guy, please do not do anything bad to him." I think at this point she was realizing the devastating results that were going to happen to me because of her malignant lies. Point #14 is reason enough for this whole thing to never progresses past that point. The District Attorney for Wake County, North Carolina told my defense attorney that the Zebulon police interview was so corrupted by the Zebulon Police Officer Finch that he could not use it as evidence in court. That defense attorney never saw the video either and I never saw it until about 2 months before the federal trial date. And I am sure the jury that indicted me would never have done so if they had been allowed

to view this one Zebulon Police interview video.

Point #15: Zebulon Police ignore and fail to investigate / obtain the (30 +/-) missing emails, correspondence between the alleged victim and/or her estranged homosexual husband. Emails initiated by the alleged victim while she was at my apartment and continued into the weeks and months after my arrest as she remained in the U.S. At first glance it may seem inconsequential, but I ask you to bear with me. As the pieces of this puzzle come together, the depth and detail of deception employed by the alleged victim and her estranged husband to actuate, perpetuate, and ultimately perpetrate their evil intentions against me will be clearly revealed. These extremely important details I am about to talk about were completely ignored by the Zebulon Police; either in a complete ignorance of proper investigative techniques and procedures and/or their zealous desire to "make" me guilty by covering up the truth. I discovered in my evidence, an email that her estranged husband sent to her while she was still at my apartment; most likely one of the first emails between them in a string of emails, this email from him, where in, he basically says to her: "you are in trouble, you are being kidnapped, contact the police." So now we can begin to see how the series of events begins to develop:

(1) When her original plan to scam me: to get pregnant by me and use the baby as an anchor to me and use me for financial support so she could leave her homosexual and abusive estranged husband, when that plan did not work and I tell her she must leave, she panics.

(2) She contacts her estranged husband telling him something to the effect of - "I must leave, that Rob refuses to pay to change the return ticket - can he (her estranged husband) pay to get it done" - or she may have even said - in an effort to convince him to pay for the ticket - "Rob will not let me leave unless you pay for the ticket" - or worse - she may have said "Rob is holding me until you pay him" - which would all be complete lies - so possibly she begins to play me against him - which he did not want her to leave him to the point that he attacked her twice and choked her twice before she arrived in USA - So since he does not want her to leave him, he gladly obliges and maliciously tells her: "you are in trouble, you are being kidnapped, call the police." Still she does not in any way try to contact the police - why? Because she knows she has not been kidnapped - it is he that contacts the police.

(3) Then the Zebulon police plant more lies in her mind telling her "This man (me) is a monster that needs to be locked away for the rest of his life,"

which she resists as clearly seen in her video interview with Officer Finch when he tries to force her to agree to his corrupt statements - the alleged victim even states at the end of the police interview video: "Rob is a good guy, please do not do anything bad to him." And why is it that she would make such a positive statement about me when the police are trying to force her to say bad things about me? If in fact I had abused her so badly and she thought she was going to be killed by me, why would she continually resist the false statements Officer Finch was trying to force her to agree to, and then at the end of the interview make such a positive statement about me? Why is it she would tell the Zebulon Police negative, derogatory lies about me just hours earlier when they were searching my apartment, and now in this interview basically refute everything she had previously told the Zebulon police just hours earlier? Why the huge contradiction in her statements? Because once she was in front of the police interviewer (Finch) and she realized she was being recorded as Finch attempted to force her to say things about me that she knew was not true, at that moment reality broke through her contrived fantasy and she realized the seriousness of the situation she had caused by her previous lies. This interview is simple proof that she was lying. This moment of reality was only briefly present. Subsequently under pressure from the Zebulon police and her estranged homosexual husband, her scheme of lies against me grows exponentially as evidenced in the subsequent police interviews, yet and still multiple contradictions in her statements as recorded in the evidence.

(4) Then after I have been arrested she has much more time to communicate with her estranged husband often, and in the months to follow the things she tells subsequent investigators grows exponentially. It is very possible that all of these malignant lies were planted and fueled by her estranged husband and the corrupt Zebulon Police Department.

Now we come to the depth and detail of intentional and malicious deception in the destruction of extremely important evidence by the alleged victim and/or estranged husband. Evidence that would certainly prove my innocence. A deception and destruction of evidence that is proven by forensic investigation. I ask you to please bear with me as I state the details of this deception and destruction of evidence that is clearly proven as fact. A forensically proven, intentional destruction of evidence by the alleged victim and/or her estranged husband: 30 +/- emails concealed and destroyed: In an email I found in my evidence from the alleged victim to the Zebulon police; she states that she

provides (3) emails; one of which I have just mentioned above, emails between her and her estranged husband. The strange thing about it is there is a clear concealment of evidence by her and/or her estranged husband. (it could very well be that he was the master mind behind this whole plot and she cooperated since he was her financial support and she saw financial gain and other benefits for conspiring with him against me.) My federal attorney: Mr. Gilbert, and Jennifer Leisten, another federal attorney that did the actual translation of these (3) emails from German into English, both attorneys tell me that those (3) emails were from (3) separate strings of emails of approximately (10) emails per string: Total of approximately (30) emails. In this email from her to Zebulon Police Officer Finch, the alleged victim states that she deleted some emails by "mistake". So except for the (3) emails she provided to the Zebulon Police the rest were deleted by her. Well here is the problem with that story: Computer Forensic investigators know that you cannot by accident delete emails from a string, if you delete one, you delete all, because they are all together as one continuous, sequential, undividable chain. Unless a person intentionally cuts out part of the continuous chain of messages and transfers that portion into, say - Microsoft Word, creating a completely new document, where in, you can then make a copy of only a portion of the original string. Thereby isolating and concealing the rest of the string of emails as if they never existed or as she stated were "deleted by accident." And how do we know that she/he isolated, concealed and destroyed email evidence? Even though they cut and pasted only part of their messages into a new document, the forensic markers, the identifying markers of origin are still embedded in that portion of the message that was extracted from the string and placed into a new document and presented to the Zebulon police as a stand alone email. In other words, either the alleged victim and/or her estranged husband cherry picked which emails to give to the police, excluding any emails (30 +/-) that would incriminate them in any way or weaken their case, cutting out of the strings of continuous conversation of emails that are inseparately chained together in sequential order in the string. Concealing and eliminating, destroying any discussion of the plan of lies hatched against me, to make me guilty and she the "victim". This intentional, premeditated cutting, isolating and eliminating destruction of evidence is clearly revealed in the forensic examination.

Zebulon police's ignoring and failing to obtain/investigate the 30 +/- missing emails: The Zebulon Police; in their prejudice and biased vindictiveness

of unprofessional animosity towards my person made absolutely no attempt to secure those missing emails, but in my evidence I see documents, where in, Zebulon police sent out official police notices to google and yahoo ordering them to save all and not delete any of the files in my email boxes so they could be forensically investigated. (Even though someone deletes mail files from their inbox / outbox - those files are saved in the mainframe of the host until; at some point in the future, the host email provider purges their system). So, the prejudiced Zebulon Police order all my files to be saved for their examination, yet they did not send the same notice to the alleged victim's email host provider or her cell phone text provider. Fairness?, justice?, a search for the truth? Not in this current criminal justice system.

So; by the Zebulon police department not collecting all email evidence, they have effectively become complicit with and actively participated in the conspiracy to intentionally and maliciously alter / destroy / cover up evidence.

Point #16: The lies put forth by the alleged victim on which this whole case is built. Without this foundation of lies there is no case. Not only was the alleged victim involved in altering and destroying evidence of emails, her outright lies are clearly seen as she contradicts her own statements and contradicts other forensic evidence the police did collect. Her story line of lies progresses successively beginning with the Zebulon police continuing to the last federal investigator growing in a consistently contradictory and escalatory manner with each subsequent police interview. Some times variations of subtle nuances are seen and others are lies like glaring red flags.

Point #17: Her lie about not having a credit card: Before she arrived in USA, when we were discussing through the internet about buying her plane ticket for her arrival in USA, her statement to me was: "I do not have a credit card, can you buy the ticket and I will pay half to you when I arrive." Yet when the police photo copy all her documents what do we discover? There is a photocopy in my evidence of her credit card.

As well, that Saturday afternoon she is asking me questions of how her estranged husband can pay to have the departure date of her existing round trip ticket changed. Her question: "Can he put the money on my credit card?" I did not confront her about her lie, another lie I had discovered. I just simply wanted to avoid all conflict with her, my only goal was for her to leave, ASAP. Anyway this was a dumb question that did not even make sense. Clearly an effort by her to stall leaving. If he was going to pay to change her ticket; if he had

the money, he could directly pay the airline, there was no need to place money on her credit card. For if he could electronically place money on her credit card he could just as easily electronically pay the airline to change her ticket.

Point #18: She lied and told police that I took all her money: (a) I did not "take" any money from her. (b) She freely gave me \$300.00 and 20 Euros apologizing profusely the whole time, saying how sorry she was that she did not have the \$600.00 she promised to pay on her ticket, and insistantly telling me she would send me the rest once she arrives back in Germany. She says I got angry - that I was like a "monster" - a complete lie - and wonder where she got this exact word "monster"? The exact word that was planted in her mind by the police when Officer Finch interviewed her at the Zebulon Police Department in the video interview: They told her "He is a monster and needs to be locked away for the rest of his life."

Point #19: She lied to me and the Zebulon police about how much money she had in her possession while she was with me. She told Zebulon police that I took all her money, as in she had no money in her possession after the second day she was with me. But in subsequent police interviews with federal investigators she admits she had 700 Euros (about \$1,200.00 US). Also one day as we were in line at Bojangles to place an order, I had to go to the bathroom, I left her line. When I returned she had just ordered and was paying with a \$50.00 US bill. So in addition to the 700 Euros, she also had an undisclosed amount of U.S. currency.

Point #20: If, I am kidnapping her, trying to get money from her estranged husband, holding her for ransom, or holding her for any other reason - why would I allow her to keep any money in her possession? Would I not search everything she had and take all her money, credit cards, passport, etc., eliminating any tool she could use to possibly escape? Fact is, she was not kidnapped or otherwise harmed in any way. I did not know how much money she had in her possession or credit cards etc., nor did I care - it was not my business. I only wanted her to leave so I could move on with my life and have time to sleep, rest, grieve after the death of my mom.

Point #21: If, I am kidnapping someone - abusing them, etc...would I also not take their passport, and any other identification, and their credit cards??? But what do we see in the evidence? Copies of all those documents. And what did she tell the police when they asked her if I took her documents? Her

answer: "No."

Point #22: Once when we were at Bojangles, I had to go to the bathroom and left her in line. By the time I returned she had moved up, placed her order, and had pulled out a \$50.00 bill to pay. Another discovered lie. That she gave me all her money (\$300.00 and 20 Euros) and said she would send me the rest of the money she had agreed to pay on her ticket when she arrived back in Germany. I did not say anything about her having lied to me. My goal was for her to leave without anymore conflict. So here she had \$50.00 US, yet she told a federal investigator she had 700 Euros so in addition to 700 Euros she also had an undisclosed quantity of US currency, and was again lying to Federal Investigators.

Point #23: She lied to police, told them I kept her from eating and that there was not enough food in my apartment, that she was starving - complete lies - The pictures the police took of my apartment clearly show cabinets full of different kinds of food. Food also sitting on the counter tops and on the kitchen table. As well, my friend Paul who cleaned out my (2) kitchen refrigerators can testify to the fact they were full of fresh food that he took home with him to eat himself - Fresh, newly purchased, high quality food from the Whole Foods Market. And the most damning piece of evidence? Right beside the bed where she freely admits that she slept alone, night after night, on that nightstand what do we see in the police pictures? A bag of unopened cashews (approx. 5 ozs.) that she brought with her from the plane trip. I am stopping her from eating? NOT!! I am starving her? NOT!! Lies, lies, lies, stacked and double-packed until the whole thing cracked. Fact is she was cracked when she arrived - a nut case behind a deceptive face.

Point #24: She lied to the police - she said I beat her so badly, so severely that she thought she might be handicapped, that she thought she might die - complete lie - If this was not such a serious situation, those statements would be comical because there was no evidence of any injuries. You can see clearly in the police interview that there is nothing physically wrong with her. And in my evidence are (2) pictures the police took of her when she was at the Zebulon Police Department the day I was arrested. No damage to her person. And if she was so severely abused how could she even walk or use her arms, hands, or even speak normally? And why did the Zebulon Police not have her medically examined by a doctor??? Because it was clear there was no reason for a medical exam - there was nothing physically wrong with her. All complete, malignant

lies.

Point #25: She lied to Zebulon police - said I hit her on the head with a bottle. The pictures the police took shows all the glass water bottles in my apartment; they are all the same: 16" tall thick glass. Even a very slight tap against anyone's head would leave a bruise / knot / raised area that could clearly be seen upon examination. And when the police examined her head, what did they find? Nothing. Why? Because it is a complete lie. Did the Zebulon police take a picture of her head? They did not, because there was nothing unusual to see, no damage what...so...ever...to her head or any other part of her body.

Point #26: She lies to police - tells them that I force her to remain nude at my apartment - a complete lie - Fact is more than once she comes out of the shower, into the living room totally nude and sits on the sofa beside me trying to entice me into having sex with her so she can get pregnant. Each time I refused. It is clear to see how she takes things that actually happened and twists them into an alternate reality that does not or did not exist.

Point #26A: Malignant lie: the alleged victim told Police I forced her to clean my apartment in the nude. (a) I never forced her to do anything yet I should have forced her to leave. I know now I was being too nice to her allowing her to continue to stay with me after I told her she had to leave I should have forced her to leave. (b) If I was forcing her to clean in the nude or otherwise fully clothed then why is it clearly evident in the pictures the Zebulon Police took of my apartment/kitchen area clearly displaying the disorganized clutter? Disorganized clutter that could not have been created in a few days by (2) people. Not only did she help to contribute to this disorganized clutter neither did she ever make any attempt to clean anything forced or otherwise. Another absolute malignant lie the police willingly accepted as truth even though the glaring evidence proved otherwise. Possibly someone else in her past forced her to clean in the nude but it was not me. Yet this malignant lie among many others of her malignant lies became part of the evidence against me and is now part of my PSR as if it is true. The complete fallacy of my case is a complete miscarriage of justice.

Point #27: She lies to police - tells them I never left her alone - complete lie - In subsequent police statements she says I left her alone on Whole Food Market.

Point #28: We were in Whole Foods Market (2) times, both times I left her

with the shopping cart when I went to the bathroom. When I left her alone in Whole Foods Market she lies and says she saw a security guard in Whole Foods, but was afraid to talk to him - complete lie - (a) Whole Foods Market does not use security guards in their stores (b) security guards and/or police officers do not shop at Whole Foods Market, it is way to expensive for someone making \$10.00 - \$20.00 per hour. That is why they call Whole Foods - "Whole paycheck" because it is too expensive for a person on a lower income. And of the many years I shopped at Whole Foods I never saw a security guard of police officer inside that store. And where does this idea of a security guard inside a store come from? Europe - the place she is from. In Europe most stores have uniformed security guards working inside stores. Their whole job is to present a visible presence and stop shoplifting. It is clear to see how she uses true things and twists them into lies.

Point #29: She was alone for hours and hours outside different apartment complexes - different locations on different days, excellent weather, \$1,200.00 plus and a credit card at her disposal she could have left at any time. She was alone at these locations for hours at a time, she could have even left and come back and I would have never known the difference. I was busy working inside apartments and had little knowledge of what she was doing while I was working. Hundreds of people all around - very easy to completely disappear. And more than once when I finished working I would have to drive around the property to find her, sitting somewhere in the grass or picnic tables. She would get into the truck and say she is "bored". All these things provide excellent conditions for anyone to escape that is being kidnapped, abused, fears they will be killed, etc...

Point #30: I left her alone (2) times on different days at Bojangles when I went to the bathroom.

Point #31: I left her alone at Bill's BBQ in Wilson, NC when I went to the bathroom.

Point #32: She roamed the 25 acre property where I lived, people all around in the plastics factory on the property - people loading trucks at the loading dock. Gas stations, grocery stores, department stores all around a very congested area around my property.

Point #33: I left her alone on my property (2) times, once I was gone to Walmart, left there when I could not find her, I was gone for 30 to 40 minutes.

Point #34: If I am kidnapping, raping, abusing someone, anyone, why would I ever allow them internet access??? Or allow them to keep their cell phone??? Yet she is constantly on the internet many times each day, in my office, and on my laptop in my truck. Also texting and talking on her world phone that she brought with her from Germany. All of which she freely used as she pleased. Nor does she ever state that I restricted her use of any of these means of communication, nor did she ever state that I restricted who she could communicate with. The fact of the matter is she was free - as free as a bird - yet more so, she had resources a bird does not have - she had enough money in her possession and access to a computer / credit card - she could have easily changed her plane ticket, flown back to Germany without having to involve anyone else - yet she did not want to leave. Her plan was to somehow coerce me into agreeing to be her financial support system. With this objective, she purposed not to leave my presence until she was sure she had achieved her goal. In her mind she reckoned that 3 months before she had to return to Germany was enough time to get pregnant by me and have a confirmed test to the validity of the fact. All the while knowing that I would never desert my child born to her even though she had manipulated me into her financial trap.

Point #35: She roamed the machine shop and auto parts store unattended on the Saturday I got my truck axle worked on. When I was ready to leave I had to find her. She was busy inspecting the products on the auto parts store shelves. When I approach her she is asking me questions about items on the shelves.

Point #36: She has been left alone many, many times with hundreds of people all around, plenty of money in her pocket. If you were being beaten, abused, kidnapped, afraid you will be killed, being left alone even for a very short period of time, being desperate to get away, would you not attempt to escape? Fact is, she was enjoying herself for the most part as if on a great adventure. Her only problem was she could not get me to agree with her corrupt plans. Yet she persistently, and consistently was pressing me, and otherwise trying to manipulate me with sex, and by any means of exploitation necessary to force me to agree with her plan to use me as a financial anchor serving her corrupt purpose by getting pregnant by me.

And if I am kidnapping and abusing someone would I not keep them away from contact with other people? Would I not confine them at my place of residence when I leave? Yet not only was she never confined, she went with me everywhere and had complete freedom to do as she pleased. Why I never left her alone at my

apartment: The simple fact is her first night at my apartment she was behaving like a totally different person from who she had represented herself to be in the internet. I was not going to leave this person alone for 8 to 10 hours at my apartment while I was miles away at a totally different location working. If the Landlord came by and let him in and he saw that I was living there he would cancel my lease. I would have to vacate the premises within 60 days as I had to do when I was arrested. The \$18,000.00 I invested building the apartment would be lost. The cost to physically move all my equipment to another 10,000 sq. ft. building - \$10,000 - \$12,000.00 and then there is all my lost time, not earning income while I was in the process of moving - easily 30 day-loss production. Also time loss and money spent to find a place to live. Easily a total loss of \$50,000.00. The simple solution: do not leave her at my apartment when gone for 8 to 10 hours during working hours when the Landlord is most likely to pay me a visit. And her statement to police: - "I never left her alone" - see how she twists the truth into a lie - a snake, a snake! somebody get the garden rake! I never left her alone at my apartment during normal business hours - otherwise - she was alone approximately 50% of the time.

Point #37: How the alleged victim's many lies all cumulate together such that she is able to use her previous abuse by her father and estranged husband as a spring board to project all her previous experience and emotional memory of abuse onto me, making me the proverbial sacrificial escape goat while she benefits in the transaction. And why is it that the investigators did not have the alleged victim psychoanalyzed? Because that would have revealed the truth and their whole case against me would have disintegrated on the very fact of her being deranged and incompetent, and dangerously deluded. So indirectly; by not having this woman psychologically evaluated by a nonbiased, professional, psychiatric official, a collusion of subtle deception is enacted in simply ignoring the otherwise obvious fact that this alleged victim had massive abnormal psychosis and thus her statements/witness is/are fallible such that the case against me would disintegrate if the truth of her abnormal psychosis were publicly known.

Point #38: The evidence she provided to the prosecution indicates she has suffered a life time of abuse, first from her father and then from her estranged, homosexual husband of 15 years. Which I previously knew nothing about this evidence. During all my interactions with the alleged victim she never mentioned, or in any way inferred, that she had ever been abused by

anyone. Quite in fact she covers very well, and is a very convincing actor.

This evidence she provided to the prosecution was withheld from me and the public defenders office and I only learned about it as a matter of fact at my sentencing hearing when the prosecution speaks to the judge and requests that I pay the \$34,000.00 for injuries the alleged victim is claiming as a result of her being with me. The fact of the truth is: she suffered no abuse by me, unless you consider abuse as my refusal of being her financial anchor and support for 18 years until a child born to her; by me, reaches adulthood.

Point #39: It is clearly evident and easily demonstrated, that when her plan of scamming me fell apart, after she arrived in USA, she began a process of transferring all of her previous emotional memory of experience of abuse onto me, making me the proverbial sacrificial escape goat while she personally benefits from the transaction of lies poured on top of more and more lies. Not only for her to make it back to Germany without her or her estranged husband having to pay anything. But also as things developed she and/or he saw a way to use a "victim" status as a stepping stone to gain restitution of \$34,000.00 from me. "Victim" status / "disabled psychological status" that allows her to receive as she in fact presently receives 70% disability, government payments from the German government. "Victim" status that would possibly give her a pathway to citizenship in USA if she could afford to live here alone. And if she remained married, a pathway also for her homosexual, estranged husband to live in USA where his alternate lifestyle of having affairs with young men would be readily acceptable here, when it is not accepted in the small town he lives in, in Germany. All of this benefitting them, all based on nothing but complete, malignant lies, all the while ruining my life for their own personal gain. And who is really to blame? The police - namely, the Zebulon Police Department. Through their prejudice and biased vindictiveness of unprofessional animosity against my person have helped orchestrate and facilitate the evil plan that was perpetrated against me by the alleged victim, and/or her estranged homosexual husband, resulting in a complete miscarriage of justice. The Zebulon Police Department were certainly complicit and through their lies, corruption, collusion, and destruction and fabrication, suppression of evidence, in essence indirectly entered into this conspiracy with her and her estranged husband. There is no denying that the Zebulon Police Department had their part and parcel in this devastating atrocity and destruction of life I have experienced, and continue to experience to this day.

Point #40: Both subtle and brazenly blatant coercion by members of the Federal Public Defender's Office helped trap me in a no-win scenario of being forced to plead guilty to something I am not guilty of:

Point #40.a: Of the very few meetings I had with my first attorney, Mr. Gilbert of the Federal Public Defender's Office, the majority of the time (90%) was spent with Mr. Gilbert explaining court procedures; instead of allowing me to disclose crucial evidence that only I knew. Evidence that proved I was not guilty. The supposed pretense that I had nothing significant to contribute to my own defense, was one of the major theme's exhibited by all members of the public defender's office. This glaring omission of the facts of evidence that only I knew is at the very least an direct/indirect suppression of evidence, and a further collusatory imposition upon my forced decision to plead guilty. Forced to plead guilty as I clearly witnessed the consistent, consecutive, indirect denial of my critical contributory knowledge of concealed facts. Facts I knew would refute the alleged victim's lies, and deconstruct the prosecution's criminal case against me. Collusatorily forced to plead to something I was not guilty of as I consistently and consecutively witnessed the abject lack of satisfactory veracity, and abject lack of satisfactorily sincere and energetic vehemency and abject irresponsibility in the execution of my defense. The dismal, oppressive disregard of properly defending me in this grievously serious criminal case; both subtly and brazenly blatant culpable, reprehensible conduct in failure of fulfilling their duly sworn duty is simply unacceptable under the constitute essence of the United States Constitution.

Point #40.b: When my first attorney, Mr. Gilbert from the Federal Public Defender's Office is replaced by Ms. Donahue, at our first meeting I say to her: "How can my attorney be replaced at this late point in the process." She says: "Since all the attorneys work out of the same office that she was already familiar with my case." The misleading ambiguity of her statement hinges on the word "familiar". In fact, the basic questions she asked me at our first meeting clearly demonstrate that she is anything but "familiar" with my case. She further informed me that the trial would be in (2) months. I objected stating that is not enough time to go over all the evidence, evidence that at this late point in the process I had not been allowed the opportunity to disclose to anyone of the Public Defender's Office.

Point #40.c.: Another glaring red flag demonstrating the Public Defender's Office clear failure to satisfactorily represent my defense, with the

implication of inference of subtle coercion in the systematic process of conditioning me to be ultimately forced into signing a colluded plea of guilt is revealed in Ms. Donahue's demeanor and actions when our first meeting was completed: As soon as her last words to me came across her lips, she switched me off like a used light bulb, and began to discuss the next inmate's case with her accompanied legal assistant before I could even stand up from the chair I was sitting in to depart the room. Clearly displayed was a snapshot of how the validity of the truth of my whole case was systematically, coersively ignored by every member of the public defender's office I had interaction with.

Point #40.d: The Zebulon Police Department, nor the Federal Public Defender's Officer ever attempted to interview crucial witnesses. My brother, my friend Paul, people I have done business with for 10 years of more. What absolute failure of proper investigative technique not to interview people closest to the accused who knew him the best.

Point #40.e: As related to previous point #15, the Zebulon Police Department, nor the Federal Public Defender's Office did not even attempt to order a freeze of the alleged victim's email account for further forensic investigation, even though in my evidence are multiple orders by the Zebulon Police Department sent to my email host providers to freeze and not delete / destroy any of my correspondence. And even when the Public Defender's Office discovered evidence of the alleged victim's destruction of crucial evidence of emails between her and her estranged husband, still they did not then attempt to obtain all the referenced emails from the alleged victim's email host provider. Another complete failure of thorough investigative technique which is in essence a glaring omission of an indirect deceptatory prejudicial collusatory cover up of critical case defeating evidence against the alleged victims corrupt claims. Point #41: Subtle, yet glaring omissions of crucial eyewitness evidence: Loss of evidence that was not secured in a timely manner by the Zebulon Police or by public defender's office / inability to secure evidence now or in the future. Many eyewitnesses; both evidential to the facts in this case and character witnesses were ignored by the investigator of the public defender's office even though I pressed him to contact those people. Witness that saw the alleged victim while she was with me, that talked to, or may have talked to her at: (a) Bojangles, (b) Whole Foods Market, (c) Bill's BBQ, (d) all the workers employed at the plastics factory beside my building, (f) Lowe's, (g) Home Depot, (h) Wendy's, (i) the gas station where I regularly buy gas, (j) all the people

at all the apartment complexes where she walked around for hours while I worked: (a) people walking dogs, (b) people bring groceries in from their cars, (c) people washing cars, (d) people in the playground / picnis areas, (e) the maintenance / office staff.

Any person, especially a blonde-headed woman walking alone, who is not usually there will be noticed by everyone as being new in the neighborhood, yet no attempt was made by the public defender investigator to canvas these places. When I am telling Mr. Ken Hall about these witnesses his response: "Yeah, but who is going to talk to these people?" crucial evidence of eyewitnesses remembering momentary details about the alleged victims attitude, demeanor, conversation, things that would witness to the fact that she was not in distress but was relaxed, joyful, and on a great adventure. Nor was there any attempt to speak with any of the list of character witness I provided.

Point #42: While I am still confined at Franklin County Jail, North Carolina, when Mr. Hall drops off the proposed plea agreement in the absence of Ms. Donahue not being able to come to the Franklin County Jail herself "due to bad weather". Upon Mr. Hall presenting me the plea, I directly tell him "I am not signing any plea." He says, "Well I guess it will have to go to trial. The big problem with trial is all the evidence the prosecution has been with holding - At the last minute, on a Friday, they will dump a load of new evidence on us when the trial is on a Monday and we will only have the weekend to review." I said, "how can they do that?" He said; "They just can and we really will not have the time to review the new evidence and certainly not time to do any investigative work about the new evidence. And it could very well be that new evidence that gets you convicted." These statements; *among others by* Mr. Hall, also contributed to my being forced to sign the plea he delivered that day. Yet he was malignantly lying ~~to me~~ about this supposed, yet concealed, evidence. Later after many days passed and others of the Public Defender's Office had used other tactics of coercion to force me into accepting the plea. Mr. Hall again arrived to Franklin County Jail to drop off something. I asked him, "Now that I signed the plea and there will not be a trial, when will I be able to see this evidence that the prosecution was holding?" Mr. Hall said: "What? What are you talking about?" I said, "The evidence you told me about (2) weeks ago before I signed the plea." He said, "What evidence?" I said, "The evidence you said the prosecution would drop on us just before trial." He said, "I never said that." I said, "Yes you did." He said, "No, you are mistaken, I never said that."

Another complete malignant lie that helped coerce me into pleading guilty by the very people who receive their taxpayer income to defend me. All for the greedy gain of a corrupt system, that in ethics and morality violates the essential essence of the U.S. Constitution.

Point #42.a: Another case in point of coercive prosecutory complicity of collusion: When I finally am allowed to view the videotaped interview I did at the Zebulon Police Department. I clearly knew the interview video had been edited and parts had been edited out. When I told that to Mr. Hall. He laughed, he said, "that is impossible" with a derogatory, condescending disposition towards me as if I was an ignorant person who did not know any better. I emphatically and respectfully asserted the fact that the video had been edited. He completely dismissed my assertion as nonsense. Again more indirect coercion - subtly and progressively setting me up to only be in a position of having to plead guilty to something I did not do.

Point #42.b: Upon witnessing very unsatisfactory conduct by multiple members of the Federal Public Defender's office I wrote a letter to the Director of the Federal Public Defender's Office: Thomas P. McNamara. I sent this correspondence by registered, certified return receipt U.S. mail, of which I received the return receipt at the Franklin County Jail, NC, where I was then presently confined. My goal was to discuss and voice my complaint and dissatisfaction on how my case was being handled. Even though I have delivery confirmation that my letter was delivered to the Office of the Federal Public Defender, I never heard anything from Mr. McNamara, or anything about my official complaint being received thereof. Another subtle omission and suppression of my right to be properly defended in my criminal case.

Point #42.c: The brazenly blatant lack of time members of the public defender's office spent talking to me about the evidence of my case, additionally by the efficacy of omission, reinforced their direct and indirect implementation of coercion against my person, as referred in Supplemental Addendum 14.g.: "Chronological History of Case #5:15-cr-00126", pgs. 17-21 of 22.

Point #42.d: When it was time for the public defender's office to finally get me to sign the corrupt guilty plea the subtleties of coercion gave way to full on brazenly blatant forceful coercion as outlined in Supplemental Addendum #14.g.: "Chronological History of Case #5:15-cr-00126", beginning on the second half of pg. 18 and continuing to the top of pg. 20 of 22.

Point #42.e: After I signed the plea deal, just before going into the court room to receive my sentence, Ms. Donahue meets with me. It was at this meeting I discovered, (first alluded to before the sentencing hearing date as to properly represent me due to a personal conflict of interest that also predisposed her from being able to fully devote herself to my case as was required in the execution of providing me with a proper defense) more evidence of her unfitness. Referenced in Supplemental Addendum #14.g.: "Chronological History of Case #5:15-cr-00126", beginning pg. 18 of 22: "I tell her to move the trial date out" (to provide more time to review the yet undisclosed evidence); she says she cannot do that. I ask why. She says, "I will not be there after a certain date," that she is quitting due to personal problems in her family and no one else knows the case." This unfitness in the defense of my case is again seen, and seen more clearly on the aforementioned day of my sentencing hearing where in I meet with Ms. Donahue just before going before the judge as referenced in Supplemental Addendum #14.g.: "Chronological History of Case #5:15-cr-00126", beginning middle of pg. 20 of 22; "She seems upset and distracted, and kind of sad, so in an effort to encourage her I tell her, 'I hope things improve in your marriage.' She says, 'Oh, that is not why I am leaving the job.' She says, 'I cannot be a mom and an attorney.' So I understood everything in that moment as to why she did not do a good job on my case and as I describe what happened in court it will all become clear. So we are in court and it is clear she is completely unprepared and studders over her words." She was not rude, but at one point the judge yells at her to "Shut up, this is his courtroom."

Point #42.f: Both subtle and brazenly blatant coercion by members of the Federal Public Defender's Office: The coercive effect of having my suggestions / requests to the Public Defender's Office as related to critical evidence, consistently, erroneously, and condescendingly denied / ignored / or otherwise disallowed: My logical, reasonable, and crucial advisements / requests to fully investigate all points of contention / corroboration / discovery of evidence / etc... were negated into oblivion as if they were non-existent. The excessive audacity of temperamental pretense exuded by members of the Public Defender's Office in thinking they knew the facts of my case better than I did is completely unacceptable in the very fact of requisite, sine qua non, I am the one that was present where the majority of the facts of the matter transpired, and of addition solely have all the detailed background information also requiring further investigation. Yet, in short, they were essentially, and

with the members of the Public Defender's Office. Thus, said moral, and ethical violations against my person and against the essence of the U.S. Constitution, should be recompensed by a due executory reward of judgement unto condemnation for all those members of the Public Defender's Office, and as conjunctatory, the Zebulon Police Department members inclusively, and collectively as to their individual level of deception, and implication of coercive collusion unto the resultant destructatory efficacy enacted upon my person.

This overall, gross miscarriage of justice by members of, firstly, the Zebulon Police Department, and secondly by members of the Federal Public Defender's Office; the temperamental pretense of supposed work for my defense, is more than mere unprofessional conduct unbecoming duly sworn officers of the United States Federal Court, but was/is intrinsically and materially a destruction of the prosperity of my life. This destruction of my life, liberty, and pursuit of happiness; afforded to me by the U.S. Constitution, is in essence a moral, and ethical violation of significant redressable magnitude. And the magnitude of violation being very great thereof is requisite an equitable redress of judicial propitiation to balance the scales of justice.

In conclusion, this whole case is based on one person's lies with no true supporting evidence, no substantiating witnesses whatsoever, only the corrupt desire of the alleged victim to manipulate me into being used —————> for her own personal financial gain and a desire by the corrupt powers that be to prejudicially retaliate against me by making me guilty. A corrupt system that twists, fabricates, suppresses, and destroys the evidential Truth. Creating an unreal reality in an effort to derail the truth.

Lies, lies, lies, stacked on top of more lies. Double packed, from the front to the back. Till the whole thing cracked.

The truth can definitely be suppressed in unrighteousness, but the truth definitely cannot be suppressed forever. And a threefold woe is unto those who suppress the truth in unrighteousness, using a supposed righteousness as a cloak for an exacting execution of a supposed, contrived justice.

This avalanche of malignant lies has buried me in a destruction of existant death. But, yet and still the truth is resurrection of life.

wholly unwilling to work with me in my own defense.

Mr. Ken Hall, the investigator who worked for the Public Defender's Office, attitude was always 100% consistently derogatory, demeaning, and demoralizing towards me and my completely logical, informed statements related to the facts of my case. Unrelenting was his disposition which went beyond the bounds of being transparently rude and disrespectful to me, even though I myself was always respectful to him in the face of his ill-adjusted demeanor and unwarranted animosity towards me. Such was the enmity exuded from Mr. Hall towards my person, that if I did not know better I would have evidentially assumed he worked for the prosecution, and not for my defense. If I did not have the cognition that he was the supposed investigator in my defense, I would have experientially surmised that he was placed before me for the sole purpose of defeating my hope, desire, and spirit of will in the pursuit of my valid legal claim that I was not guilty, and as such, determined to prove the fact by jury trial. Inclusively; to a lesser degree, Ms. Donahue's overall disposition of demeanor, and handling of my case followed suit with Mr. Hall's deceptive pretense of my criminal defense.

This overarching dark shadow of derogatory / negative attitude projected towards me, and my valid evidential suggestions, and presentation of intimate, previously undisclosed facts I knew to be true, had a pervasive, permeating, and devastating effect of overall coercion, primarily by Mr. Ken Hall, and secondarily, to a lesser degree by Ms. Donahue, and Mr. Gilbert.

In short, it is quite clear, by a preponderance of all the demonstrative facts, that various members of the Federal Public Defender's Office not only had the intention, from the beginning, to throw one under the proverbial bus, but in fact did an excellent job thereof. They themselves becoming part of what amounted to an already enacted mise-en-scene beginning with the alleged victim, her estranged husband, and the prejudicial Zebulon Police Department fully furnished with; not hypothetical actors on an imaginary stage, but real-life, authentically corrupt thespians. This real-life, corrupt mise-en-scene could very well, appropriately be entitled: "The Destruction of Rob Whiteside".

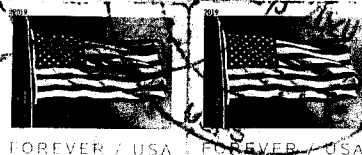
Point #42.g: Complicit conspiratorial collusion by members of the Federal Public Defender's Office with the prosecution; whether direct, or indirect; I believe, though often subtly implied and as well brazenly evident, is more than plausibly inferred, but is well verified, and demonstratively established by a careful, logical, non-biased preponderance of all the evidence of my interaction



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Fort Dix Federal Prison

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United States District Court

ATTN: Clerk of Court

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